

OPINION AND FAITH IN ISLAM

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FOREWORD

As part of its endeavor to spread the Islamic culture far and wide, develop the contents of this culture, raise a sound awareness about its purport and objectives, promote the Islamic thought and strengthen its role in the shaping of modern life, the Islamic Educational, Scientific and Cultural Organization (ISESCO) included in its Three-Year Action Plan for 1998-2000 **a Project on fostering awareness about the Islamic heritage and addressing issues of modern times**. Focusing on the Islamic heritage, the project aims to broach this lore from a contemporary perspective so as to shed ample light on its riches and expound issues and concepts not within reach for the present-day researcher and reader. Modern cultural and social issues are thus examined, and their cultural, economic and political implications investigated against the Islamic principles and fundamentals in such a way as to bring answers to the questions and problems raised by these issues.

One of the components of this Project consists in the preparation of a series of fifteen studies featuring the Islamic outlook on subjects and problems of interest to the contemporary society. Translated and published in Arabic, English and French booklets, the studies will be subsequently released through ISESCO's Islamic database aimed to publicize the religion, culture and civilization of Islam through Internet.

The Islamic Educational, Scientific and Cultural Organization is pleased, therefore, to present ***"Opinion and Faith in Islam"*** to the reader. The book highlights Islam's upholding of the freedom of opinion, and dispels the ambiguities and misrepresentations circulated about the Islamic principles in this connection. It likewise expounds the stance of Islam vis-à-vis individual faith and shows its endeavour to guide people toward the right path, that of righteousness.

The book has been prepared by Dr. Omar El Kadi, expert at the Islamic Organization.

Our thanks go to Dr. Lahcen Haddad, author of the English translation.

It is hoped that this publication will rise to the expectations pinned by readers on their Islamic Educational, Scientific and Cultural Organization.

We beseech Almighty Allah to crown our efforts with success, guide us to the right path and enhance the benefits of this book.

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the Islamic Educational, Scientific
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OPINION AND FAITH AS MIRRORS TO CONSCIENCE

OPINION

Opinion, as it is defined in this study, is the firm decision of the mind which expresses a position on a particular issue.[1]

Opinion expresses a definite point of view; therefore, if a person is still thinking about the issue that is being debated, no opinion about it can be attributed to him unless he finds a solution to the problem at hand.

However, the fact that opinion is a definite point of view does not necessarily mean that it is not liable to modification, alteration and evolution; on the contrary, it undergoes all of these kinds of processes. In order to consider that an opinion has been modified, an abrogating or modifying opinion should replace it. Since the human mind is related to a cognitive repertoire that grows richer and larger day after day, the change in opinion is a common happening among people as well as among scholars.

Opinion And Point Of View (The Hypothetical Opinion)

Can anyone have several legal opinions about one issue?

An individual can have several ideas and solutions to a single problem as long as it remains a hypothetical issue with which he has not yet actually dealt. Suppose that you are a counselor and that you proposed several solutions or ideas to whoever asked your opinion about the issue under question. He may ask: "What would you do if you were in my place?» You may respond: "If I were you, I would opt for that specific solution among all the ideas I presented to you". That is your opinion.

It is obvious that the individual person, when confronted with any problem, adopts a single solution. It reflects his true opinion that is actually a unique opinion about a unique question, regardless of the fact that the solution is complex or involves so many stages.

When the individual is far from practically considering the question, his thinking does not reflect an opinion but a point of view. Many people call it an opinion only metaphorically.

To illustrate the distinction between the real opinion of the individual and the point of view and the hypothetical opinion, let's consider the following:

* You expect a burglar to get into your house; you tell yourself: « If he breaks in during the day, I will react in this way, but if he does so at night, I will react in that way; if he breaks the door, I will react like this, but if he climbs the balcony, I will react like that, etc »

Actually, you are considering many hypothetical questions and stating an opinion for each. At the arrival of the burglar, your position is limited to a specific real question to which you will find a solution. If the burglar breaks into the house through the door, you react according to a specific solution; if you succeed in repelling him, obliging him to run away and then he returns again to break in by the balcony, you will be considering a specific real question which is different from the first. To find a solution, you hold a particular position, expressing your opinion and genuine decision.

* You may advise anyone who faces a problem to give up, which is the solution that you would consider in case you were in his place. However, you are not him and you are not living the same circumstances he is living. If he gives up and you take up his position, you may not find it necessary to give up; the reason is that you are facing now a real problem, which has been hypothetical before. You have given him your hypothetical opinion--point of view--without hypocrisy or deception; you have been sincere, but when it has become your problem, you decide according to your own self.

If you decide to give up as he did, it is your own solution nonetheless, no matter how equivalent it is to the advice you gave him before, since it represents a decision totally independent of your first hypothetical opinion.

However, if you were to vote or decide the dismissal of this person, you would be facing a real problem and not a hypothetical one, which you examine, hold an opinion about, and take a consequent decision with regard to it.

* Consider the case of the jurisconsult who, being consulted about a particular issue in a certain country, delivers an opinion different from the one he makes in another country to clarify the issue (which seems to be the same as the first as far as their name is concerned), due to the difference in circumstances in both countries and by virtue of the rule that 'opinion varies according to time and place'. In fact, the jurisconsult's opinion has varied according to the two issues at hand. Therefore, he abides by the opinion he has delivered in the first country when he is present there, whereas he changes his attitude once in the other country in order to be consistent with the opinion he has delivered there. If he doesn't act this way, his sayings do not express opinion but simply hypothetical points of view.

Accordingly, when Imam Shafi'i, May Allah be Pleased with Him, delivered legal opinions to the people of Egypt when he settled there, they were in contrast with those he delivered to the Iraqis on various issues.

* Jurisconsults point out that it is important that the acts of the scholar performing discretions should be in conformity with his opinion,[2] because, from a religious point of view, it is opinion which is considered, not points of view or hypotheses.

* When you ask a non-Muslim who is aware of the precepts of Islam for a legal solution to a problem you are facing, he may advise you as follows : "It is appropriate that you adopt such and such a solution, for my knowledge about the precepts of your religion are in this way." This person states hypothetical points of view; hence his words should not be taken as opinions or Fetwas. The same is true of a Muslim who is aware of the precepts of another religion, for he cannot act as a jurisconsult for the people of that religion.

Islamic principles stipulate that free non-Muslims under Muslim rule are governed by the precepts of their religion. The Prophet Muhammad (MABUH) didn't deliver any opinion about their religion; on the contrary, when he was asked about certain issues concerning their religion, he replied according to Allah's revelations to him. He used to leave them alone as long as they were peaceful, abiding by these precepts and seeking not to jeopardize law and order in society.

When a free non-Muslim under Muslim rule was indicted for fornication and was sentenced to be pelted with stones, some of his correligionists objected by denying the existence of this sanction in their religious law. The Prophet (MAPBUH) ordered them to bring him their holy book in which he found out an explicit text about pelting the fornicator with stones[3].

EXPRESSING AN OPINION

An opinion can be expressed verbally or through an obvious act that is indicative of it. Expressing an opinion only reveals it, but it is not the opinion itself.

The association between the opinion and expressing it is a common, but not inevitable, fact. An individual person can have an opinion which he would not express explicitly; he can also talk and act in a way that does not reveal what is in his mind.

A deceiver, whether his deception is commendable (as in war) or objectionable (like hypocrisy), utters words and makes acts which are incompatible with the opinion he entertains.

A person, who is running a real, not an illusory, risk, is not blamed for what he says and what he does under compulsion. Allah, the Perfect and the Majestic, said about him:

"Any one who, after accepting faith in God, utters Unbelief, --except under compulsion, his heart remaining firm in faith--but such as open their breast to Unbelief-- on them is Wrath from God, and theirs will be a dreadful penalty"(4).

He is not an unbeliever he who utters irreligious words in order to avoid being constrained, as long as he keeps a strong faith for which he feels no hatred and only hates the danger which besets him, behaving thus so as to fend off danger.

Some people fail to express their opinion. They utter words and make acts which they believe to be expressive of their opinion, whereas their words and acts convey meanings to people--or to a group of them--which are incompatible with what they intended before. Cases illustrating this behavior are abundant: for example, the mistake a layman makes when stating precepts of religion, using obligation to denote what is desirable and prohibition to denote what is disagreeable. In fact, the opinion he holds in mind does not deviate from the purposes of Shariaa (Islamic law); it is the expression that is not appropriate. The same can be said about many newly converted Muslims who would like to express their ideas and reasons for embracing Islam, but their insufficient knowledge does not help them talk in the same way as those who grew up in a Muslim society and have always been totally imbued with Islamic culture.

The Prophet Muhammad (MAPBUH) said: 'Allah forgives my people for their errors, forgetfulness, and all they are compelled to do.' (5)

Opinion And Knowledge : There is a strong relationship between opinion and the personal knowledge without which Man cannot make any opinion. If you tell somebody who has never heard about Islam that Allah orders him to be a Muslim, he will ask you: and what is Islam? You may explain it to him, helping him acquire a certain knowledge about it; afterwards, he determines his position toward it, makes an opinion about it and may end up embracing or rejecting it.

Is knowledge the source of opinion ? If it were the case, those who know and are of the same level would follow the same track.

The Source of Opinion: Knowledge enables the individual to make choices and form opinions and decisions. In addition to theoretical knowledge, overlapping psychological and physical factors (like mood, desires and instincts) influence the making of decisions and the taking of standpoints. After all, the mind is the source of opinion and decision.

We believe that Man's psychological and physical structures are naturally disposed for maintaining the truth. Truth is relative to Man, which he can grasp or cannot according to his knowledge, and which varies from one person to the other and from one culture to the other. Therefore, to distinguish the truthfulness of opinion from its falseness or its accuracy from its error depends upon converging and common criteria of knowledge used by all parties in the dialogue. If you buy things from a shopkeeper and gives you a bill showing the total of 2+3 is 6, you will tell him that he is wrong; if he insists, you sue him and the judge will decide for you in accordance with the common knowledge both of you have which is that 2+3=5.

You will be astonished if you find out that an astronomer uses 2+3=6 in his specialized arithmetical operations and, even when you point out to him his error in this operation, he explains to you that astronomical mathematics differ from traditional mathematics. You will not be able to understand this postulate until you learn modern mathematics which deal with the abstract dimensions and variations of long-ranged dimensions; prior to that, your dialogue leads to nothing because of the distinction between your scientific and cognitive environments. You cannot argue with him, unless it is for the sake of knowledge; otherwise, it would be nonsense.

Actually, error, accuracy, truth and falsity are determined by knowledge which eventually alters and varies according to time, space and culture. The individual who persists in his mistake after having recognized it --through reviewing his position or through additional information which adds to his knowledge and guides him to truth-- is a lost and misleading person at the same time.

The natural disposition for maintaining and recognizing truth inherent to man is not only the ability to think, but goes beyond that to what we call human

conscience as well. When a human being commits an error because of carelessness or because of his incomplete knowledge, his conscience is not blamed. He is blamed when he insists on his mistaken opinion, after being no longer careless and after having made up for the lack in his knowledge.

*** The Tendency of the Mind to Achieve Truth**

Allah bestowed Man with the mind. It is a given asset which he uses freely to discover things through his knowledge. Allah also imprinted the human mind with the moral disposition to recognize and maintain truth. The recognition of truth comes spontaneously through knowledge to the extent that when an individual acquires an ambiguous, vague, or lacking knowledge about a certain issue, he fails to recognize the truth related to it. As he acquires what removes the ambiguity and vagueness or supplies the incomplete information, he spontaneously embraces this truth. However, following the track of truth or following another track is Man's dilemma, for he becomes subject to psychological, temperamental and instinctive influences, the effect of which varies from one person to the other. Allah helped Man by making him morally disposed to maintaining the truth, which does not deprive him of his freedom to choose between the latter and aberration.

Some people, however, do not follow the road of truth, but form their opinion according to their own fancy or according to their fear of being at odds with their customs, traditions and conventions. This is true of those who are highly knowledgeable about the issue they raise and see its truth but still deliver an opinion that is contrary to the moral disposition for the preservation of truth. Let's take the example of Abu Talib, the Prophet's Uncle. He was sure that Muhammad was veracious, that Allah had entrusted him with the Qur'an and that he was not the author of this Holy Book; nevertheless, he was so influenced by customs, traditions and ideas which he had inherited from his ancestors that he was driven by his love and attachment to them to breaking the moral disposition to follow the road of truthfulness. In spite of the fact that he was backing up Muhammad (MABUH), he held a clear position. He may have corrected it according to the right moral disposition prior to his death(6). Anyway, he made his opinion and belief clear throughout his life and was not ambiguous or vague. This is true of some Arab contemporaries of Muhammad (MABUH) who didn't embrace Islam, some of whom fought against him while others made peace with him.

Contemporary examples, which are similar to that of Abu Talib, are those of many non-Muslims who make or write true and clear statements about Islam, declaring that they believe that it is a divine religion, the principal source of which is the Qur'an as revealed to Muhammad, the truthful and the faithful, yet they refuse to embrace Islam as a religion. They recognize the truth, but their opinion remains hostage to their inherited doctrinal habits.

Contrary to the previous example, no sooner had some people recognized the truth than they rushed into adopting it; for example, the Companions of the Prophet, (MABUH): Abu Bakr, Ali ibn Abi Talib, Umar ibn al-Khattab, Uthman Ibn Affan, and others (7).

Some people waver between following the truth and pandering to customs and traditions; some opt even for giving up both in order to satisfy their desires and instincts. They eventually recover their moral disposition to uphold truth, after a long or short time; they then believe in Allah and start to improve their behavior accordingly.

On the other hand, there are those whose knowledge clearly implies the truth. The erudite of all varieties are in a dilemma; even the faithful among them should be constantly accustomed to deliver an opinion in harmony with the moral disposition for upholding truth. This can be achieved only by permanent worship, as ordained by Allah, and with submission to him without negligence and according to one's abilities. Allah, the Perfect and the Majestic, said: *"A.L.M. Do men think that they will be left alone on saying, 'We believe', and that they will not be tested?"*(8). He who does not accustomed himself to constantly maintain his faith fails to meet numerous daily and permanent dilemmas. The Prophet (MABUH) said : '... You may do good things in life and you may be about to enter paradise, but immediately before you die you do evil and enter hell; you may do evil and be condemned to enter hell, but immediately before you die you do good and enter paradise.'(9) This Hadith shows that life offers enough opportunities, which the believer must take advantage of to accustom himself to perform good deeds to win Allah's favor and beware not to be puffed up with pride. He who does not believe in Allah yet should contemplate the path leading to the belief in Allah, without worry or fear; he may be led to believe in him one day. He who gives up faith before he dies, meets Allah as an unbeliever and he who gives up disbelief dies as a believer.

On the other hand, those who have got a knowledge which does not clearly imply the truth cannot be compared to those who know it, for the former still ignore it. It is obvious that a lot of those who don't know can be easily won over by the enemies of truth who, though they are aware of it, fight it, due to personal

inclinations and desires or in order to confirm and support an inherited identity and an illusive element, etc.

Man fears the unknown and it's easy for him to fight it. However, the wise does not renounce finding it; therefore, Allah granted us the mind and the perception, and differentiated us from the animals which, like us, fear the unknown.

Allah the Perfect and the Majestic said: *"We did indeed offer the Trust to the Heavens and the earth and the mountains but they refused to undertake it, being afraid thereof: but man undertook it; he was indeed unjust and foolish"*(10). The trustee assumes responsibility in the absence of the one who entrusted it to him. Allah presents Shariaa to Man and entrusted him with it without being visible; Man should abide by it using his mind which Allah has granted him, and which is a faculty that helps him assume the responsibility he has accepted.

Consequently, Man differs from the angels who have an innate disposition for the mechanical obedience of the orders of Allah. When they asked Allah : *'Wilt Thou then place therein one who will make mischief therein and shed blood? Whilst we celebrate Thy praises and glorify Thy holy name?'*(11) it does not mean that they are free in their thinking, and have a responsibility like Man's responsibility which requires the freedom of choice between obedience and disobedience at one's risk. However, this question is an inquiry illustrating that they are creatures of a high degree of understanding, knowledge and perception, whom Allah created naturally disposed for maintaining truth because they are witnesses to it. They obey Allah's orders without his being visible. Their souls suffer directly if they abstain from obeying commands and are satisfied with executing them. Yet, in spite of their high level of understanding and perception of truth, what they know about the transcendental is only what their creator tells them about it. Allah's knowledge is infinite, but theirs is limited as compared to His. Their inquiry does not reflect a certain suspicion about Allah's capacities and the level of His knowledge as the Creator of everything, but it represents their desire to be granted more of His knowledge. As Allah informed them that among the men who would assume responsibility on earth, there are those who would spread corruption and shed blood, they inquired about the reason behind making Man a successor entrusted with Allah's commands and Shariaa, despite the fact that some people are disobedient. Their inquiry is not an objection; they are predetermined to obey

Allah's commands in a mechanical manner. Allah said : *"And He taught Adam the nature of all things; then He placed them before the angels and said: tell Me the nature of these, if ye are right"*[12].

He revealed an amount of knowledge to Adam in one go and ordered him to display his knowledge before the Angels for they could compare it with that they had after that*"they (Angels said : Glory be to you we have no knowledge except what you have taught us. Verily, it is you, the all-knower and all wise. He said : O Adam ! inform them of their names and when he had informed them of their names. He said : Did I not tell you that I know the Ghaib (unseen) in the heavens and the earth, and I know what you reveal and what you have been concealing)*[13].

Allah does not have to account for His creation and His control of the universe. He didn't give any justification to the angels, but informed them about matters they did not know then.

The fact that the responsibility that Man assumed requires thinking does not mean that the faculty of reflection and contemplation is exclusive to him; on the contrary, angels are inquiring because they are in possession of that faculty too. Their minds, however, differ from those of human beings who hold positions, deliver opinions, choose between obedience and disobedience, and assume responsibility.

The fact that some creatures such as "the Heavens and the earth and the mountains" have been proposed responsibility "but they refused to undertake it, being afraid thereof: but man undertook it" does not mean that Man is the only creature who has assumed it. There are verses in the Qur'an that show that jinns also have assumed this responsibility. Allah the Majestic said:*"Behold, We turned towards thee a company of Jinns (quietly) listening to the Qur'an: when they stood in the presence thereof they said, 'Listen in silence!' When the (reading) was finished, they returned to their people, to warn (Them of their sins). /They said, 'O our people! We have heard a Book revealed after Moses, confirming what came before it: it guides (men) to the Truth and to a Straight Path./ O our people, hearken to the one who invites (you) to God, and believe in him: He will forgive you your faults, and deliver you from a Penalty Grievous./ If any does not hearken to the one who invites (us) to God, he cannot frustrate (God's Plan) on earth, and no protectors can he have Besides God: such men (wander) in manifest error*[14].

Allah warns both Man and Jinn that *"Soon shall Settle your affairs, O both ye worlds! Then which of the favors of your Lord will ye deny? O ye assembly of Jinns and men! If it be ye can pass beyond the zones of the heavens and the earth, pass ye! Not without authority shall ye be able to pass!"* (15). He also says: *"Many are the Jinns and men we have made for Hell: They have hearts wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not. They are little cattle, --nay more misguided: for they are heedless (of warning)"*(16).

Allah defies Man and Jinn by saying *"Say: 'If the whole of mankind and Jinns were to gather together to produce the like of this Qur'an, they could not produce the like thereof, even if they backed up each other'"*(17)

The aforesaid verses reveal that the Jinns are Allah's creatures who assume responsibility too and that the association of responsibility with Man does not prevent other from assuming it too. As Allah, the Perfect and the Majestic said : *"I have only created Jinns and men, that they may serve me"*(18). This does not mean that other creatures--other than the above-mentioned-- do not worship Him. He says in another verse: *"There is not a thing but celebrates His praise; and yet ye understand not how they declare His glory!"*(19).

Among Allah's creatures are those who assume responsibility like Man and Jinn. They are granted an open choice between maintaining the truth or deviating from the right path--a choice that depends mainly on the criterion of knowledge, i.e., what they know about Shariaa (Islamic Law). The responsibility they assume can be summed up in their awareness of truth expressed in the belief in Allah, the angels and all His prophets. This responsibility requires a free choice between upholding the truth, hence gaining immortality in paradise, or denying it and running the risk of dwelling in hell.

An individual assumes this responsibility in the absence of a material divine supervision in the present life (trial abode). Divine supervision and punishment in the present life are not the same as those of the worldly governing authority which imposes a direct corporeal punishment on the transgressor. Worldly authority is physically visible to the transgressor.

Divine judgment about the faith representing a firmly-held opinion, consisting either of belief or disbelief in Allah, and which is unknown to anyone except the person in question--unless he chooses to reveal it--, is postponed to the Hereafter.

For that reason, Man's--as well as the Jinns'-- responsibility is called "Amana", something they are entrusted with in reference to the trustee's keeping the thing safe for the one he entrusted him with it during his absence).

Allah created all beings with the idea that they will all worship Him. He who doesn't assume responsibility is naturally upright in worshipping Allah--a nature from which he doesn't deviate--whereas he who assumes it is naturally disposed to worship him. The freedom of choice helps him deal with this natural disposition; he either uses his mind and established opinions to keep and develop it or manages to conceal and ignore it. If he fails to assume responsibility he will place himself in the jeopardy of eternal hell. It is Allah, the Supreme Guide, who helps us keep this responsibility and protect our minds. The believer looks back into himself and asks Allah to guide him more and more to perceive the truth and follow the right path, but if his knowledge grows ambiguous or lacking, Allah forgives him this as long as he does not deny His Existence, for the wise is always aware of signs and indications of the existence of Allah, as we will see later.

FREEDOM OF THOUGHT AND RESPONSIBILITY FOR THE OPINION

Thinking is a permanent process of the human mind which conjures up visions, sights, and dialogue which has no voice except in the internal existence of the individual. The mind that Allah bestowed Man--whom He made into a naturally thinking being--with has it own faculty glow instantly and constantly, from birth to death.

The baby thinks and so do the child, the young and the old. Man cannot stop thinking; even in sleep, his mind takes him to another existence where it roams engaged independently from the person's intentions and aims. Man lives his dreams with all his senses; he eats, drinks, sleeps, savors, suffers, and makes decisions, etc, as if he is in another real, material and tangible world from which he moves only through waking up.

Most of the time, the individual recognizes the existence of a relationship between his sleep vision and the reality around him. That is why human beings have been concerned with the interpretation of dreams and have always sought to understand the relationship between the mind and sleep--an understanding which may help them clarify ambiguous matters and discover some transcendental aspects of future matters.

Man, who is unable to stop thinking for one moment, is granted the faculty of thinking voluntarily and intentionally about a particular matter which he investigates and contemplates. When he ceases thinking about it or even while thinking about it, his mind wanders off from time to time. Circumstances force Man to think about definite and predetermined issues using his mind to examine them successively and separately. This process preoccupies him most of the time he is awake; he is lost in daydreams only sporadically. On the other hand, dreams represent a determined time during which the mind relaxes and indulges in spontaneous thinking. It is a means of resting after an exhausting, voluntary and focused process of thinking; as long as there is a willingness which controls thinking, uses and schedules it according to the daily occupations of the person under question, thinking could be focused in order to take preliminary decisions about the usefulness and the importance of examining a particular issue.

Even if a child thinks, contemplates and investigates, his willingness in this respect is still not mature enough. Therefore, his responsibility for his mistakes is not complete and absolute as is the case for someone who is no longer a minor.

If we give children the freedom to choose to go to school or not, they will abandon it as they feel to be bound, controlled and obliged to attend it. Their instinctive impulses reject these fetters exactly like animals do. They are not blamed for this attitude because their faculty of willingness and discernment is not mature yet; this rejection does not reflect an opinion, since opinion is a decision of the mind, which the individual makes after having examined matters and weighed them according to his discernment. It can be fulfilled only when Man's mind and the faculty of willingness are mature enough; however, children can be trained to practice different ways of thinking in order to make them achieve early maturity.

Sometimes you can get true information from a child, for his natural disposition is still uncorrupted by the development of the ability to deceive or to change statements to realize crooked objectives or to drive back danger. Therefore, you happen to admit and trust what a child says by ascribing his words not to an opinion but to a natural disposition, acknowledging that, since he is not accustomed to lying, you believe what he tells you about what he has seen.

However, when you grant those who are mature the choice between going to school or university to study and not going, most of them will accept and some will refuse. Both categories deliver opinions and make decisions

We said that opinion consists of a position about a particular matter, which is firmly-established in the vigilant conscience of the wise and mature individual. We also distinguished between opinion itself and expressing it, as the individual establishes opinions in his mind which he does not deliver, but keeps to himself under particular circumstances and conditions.

It has become clear that Man's freedom of expression is unlimited, since everybody has a conscience he is the only one to know about unless he chooses to reveal its content.

Responsibility for opinion is not assumed until opinion is expressed; therefore, the assumption of the relationship between Man and Allah differs from the one between him and his fellow men.

When Responsibility Holds

Allah, the Creator of Man, has a detailed, exact and clear knowledge about the inner self and the conscience of every one. Believers agree about the existence of Allah who knows absolutely everything about them, including their acts, intentions and aims; accordingly, they assume responsibility for their opinion vis-à-vis Allah once it is established in their conscience.

Whereas people, in their interactions, keep secret to each other what is contained in their inner selves, one does not assume responsibility vis-à-vis another for an opinion established in his conscience unless he reveals it to him.

The Evidence of Responsibility

Allah knows about the inner self of anyone and is not misled by any confusion or ambiguity; therefore, Man's responsibility vis-à-vis Allah is real and certain.

The responsibility related to the relationship between people is hypothetical by nature, since expressing an opinion is an approximate indication of the truth that everyone keeps inside his conscience. In order to organize society, Man needs but to observe the surface of matters while acknowledging their deeper meanings, for absolute knowledge is limited to the knowledgeable, and the one who knows the truth of everything is the one and only, Allah.

The truth about the relationship between responsibility and its place can exist or cease to be in the dialogue between interlocutors among human beings. Someone may make a statement which implies, according to his concepts, the truth of his opinion, whereas the context and the style he uses to express himself refers, according to the concept of his interlocutor, to another truth different from what he thinks. Perhaps, he aims at misleading him, which is something everybody can do. Lying, deception, deceit and condoning are all human faculties, which Man either engages in or willingly abstains from. Sometimes they are harmless unlike what is frequent in ordinary circumstances when they are looked at as defects.

It is obvious that the responsibility of the speaker towards his interlocutor among human beings is hypothetical by nature because it may happen out of place.

* Sanction

- **In the Relationship between the Individual Person and Allah** : The individual person must believe that Allah rewards good deeds and punishes for evil and sins and that there is a final judgment in the hereafter.

Allah created Man in earthly life--the trial abode--to assume a responsibility requiring that his deeds must be in accordance with the Shariaa (Islamic Law), which is at the basis of decisions determining acceptable or unacceptable forms of behavior. Therefore, Man is worthy to assume this responsibility in the absence of Allah and in the presence of His instructions and commands, which is Shariaa.

And since Man when entrusted with this has assumed a great responsibility, Allah the Perfect and the Majestic said: *"We did indeed offer the Trust to the Heavens and the Earth and the Mountains but they refused to undertake it, being afraid thereof; but man undertook it; he was indeed unjust and foolish"*[(20)].

For these considerations and for others, Allah ordered Man to abide by Shariaa as much as possible and says: *"On no soul doth God place a burden greater than it can bear. It gets every good that it earns and it suffers every ill that it earns"*[(21)].

Because of the greatness of the trust taken by Man, Allah helps him in present life with pardon, which is granted only to those who crave it through invocations, openly or secretly, in the form of calls or wishes.

He who disbelieves in Allah is unfaithful to the Trust and is an apostate who is not granted the pardon that is part and parcel of Shariaa and the belief in it.

Allah also helps Man by increasing rewards on good deeds. He even blesses human beings in advance and provides them with the means of subsistence before each one assumes responsibility for his acts.

Considering that earthly life, throughout an individual's life-span, is a trial, that Allah's knowledge is extensive and includes the detailed circumstances of everybody's passage through this life, and that He is able to punish every minor and major sin here as well as in the hereafter; an example of the mercy He gives his worshippers is that his worldly punishment for their deeds is not inevitable, immediate and delivered on the spot. He gives His blessings to people although most of them commit wrong deeds. He also punishes others directly here on earth and spares others. The wisest among people knows that today's disbeliever may turn into a believer tomorrow and that he who acts like a believer today without being so, having an aversion for Shariaa, may declare openly his disbelief tomorrow. But Allah, the Perfect and the Majestic, knows absolutely the truth of everyone, before and after he creates him, in his life and after his death.

Therefore, Man cannot guess the time when he would be punished for his disbelief and deeds on earth, nor could he guess if he would be acquitted through pardon. Similarly, he cannot decide the reward he would be granted for his good deeds. However, believers and repentant sinners know exactly that Allah would reward them in the present life as well as in the hereafter, as disclosed in the Shariaa.

- **In Human Relationships :** Positive law according to which punishments are inflicted immediately when responsibility is determined governs human relationships. The logic of worldly justice prescribes punishment for criminals without delay, except in certain cases specified by law.

We mean by law every law regulating human relationships (rulers and ruled; national, international, political, economic and social relationships). Positive law takes its cue from Islamic law; i.e., the law introduced by governments taking into consideration its compliance with Shariaa's orders and interdictions. **Islamic law is the ordering and forbidding regulation established by the powers that be (ruler or government), in conformity with Shariaa.** The law can be largely changed, modified and developed within the framework of Shariaa, as it is specified in the Qur'an and Sunna and which rejects any alteration, modification or development. It is the constitution that determines the standards and the characteristics of Islamic society marked by a flexibility which justifies its survival and expansion in time and space. It even urges those societies to improve their systems and make use of the diversity of the right practical solutions offered by the principles of this great and divine constitution.

Shariaa, as incarnated in the Qur'an and the Sunna, is Allah's last message to all people. It should not be called Islamic law as it is widely known in the West because it leads to wrong concepts which make most non-Muslims think of the Qur'an to be a book of law or codification, in accordance with the connotation of the term "law" in their own cultures, which leads them to think of it in relative terms and to think of it as appropriate to old societies only.

As for Islamic jurisprudence, it explains the precepts of the Shariaa, helping to provide bridges between theoretical issues and reality by giving practical conceptions. Jurisconsults explain also recent developments in human creations and inventions and classify them according to the appropriate divisions of the precepts of Shariaa; they describe them as legitimate, prohibited, disliked, obligatory or impelled.

Islamic jurisprudence is like a lighthouse which enlightens people to make a distinction between social behaviors that are acceptable to Allah and those which are not. It paves the way for the ruler who is to set up laws that regulate social relationships.

Jurisconsults' conflicting opinions and fetwas give believers wider choices in their deeds and behaviors and allows the Muslim ruler to set up, develop and change Islamic laws according to social circumstances and within the framework of the noble Shariaa. The responsibility of the individual for his acts--including opinions--is determined in the social context according to positive law; that is true of how these acts are judged: they are either rewarded as good deeds or punished because they break the law(22).

Neglecting, postponing or suspending sanctions, unless there are specific provisions for it, are all against positive law; yet divine justice is immune to any negligence or deficiency. Divine justice being so wide--because of the extensiveness of sanctions in earthly life and in the hereafter--we cannot decide nor affirm exactly the time when divine sanction takes place on earth, its degree or its type; we cannot ascribe specific sanctions to specific acts except in few cases. Therefore, the acknowledgement of the existence of Allah, His capacities, His grace and His mercy requires taking for granted all his infallible characteristics without associating them in analogical terms with phenomenal earthly variables.

BELIEF AND RESPONSIBILITY

Consciousness and perception represent a relative reality related to knowledge which is by nature open, improving, developing and changing throughout life. Opinion is a position firmly established within the consciousness of the individual; it can be expressed in various ways. Man is naturally disposed to deliver an opinion according to the truth he knows; this is what we call conscience. However, he may not be able to maintain his conscience clear; thus we describe the conscience of whoever deviates consciously from the right considerations in order to achieve personal benefits as unfair. If someone engages your services to take him to a particular place, but you choose the longest and the most difficult way in order to get an extra fare, you are indicted for your unfair decision and false conscience, since you are conscious that this person wants the shortest and easiest way, of which you are particularly familiar.

In case you know only this long and difficult way to reach that place, nobody will indict you for your false conscience. The only blame you can get is that you are careless about seeking information and you are lazy about enriching your knowledge when you can.

Belief is an opinion, a position and a decision related to the belief in Allah and the hereafter.

The Belief in the Existence of Allah

Believing in the existence of Allah, the Creator of the universe, does not require a message, for awareness of it dates from time immemorial. The notion of Allah is present in every culture and language, and signs about his existence are abundant in nature, creatures and the human soul. The atheist is responsible for his atheism because he is not taught to deny the existence of Allah, except through learning the sense of the word Allah. He assumes full responsibility because he has an innate psychological and moral constitution which prompts him to believe in the existence of Allah. He does not repudiate this fact out of ignorance but out of selfishness and pride. If he does not abandon his position while he is alive, then he dies despicably and is promised the worst of punishments in the hereafter. Allah, the Perfect and the Majestic said, "*There is not a thing but celebrates His praise; and yet ye understand not how they declare His glory!*"(23). Accordingly, if a person is raised up among a herd of cattle since he is born, he will instinctively recognize the existence of Allah in the same manner as animals.

Allah also said:

"When thy Lord drew forth from the Children of Adam--from their loins--their descendents, and made them testify concerning themselves, (saying): 'Am I not your Lord (who cherishes and sustains you)?'--they said: "Yea! We do testify!' (This), lest ye should say on the Day of Judgement: "Of this we were never mindful': /Or lest ye should say: "Our fathers before us may have taken false gods, but we are (their) descendants after them: wilt Thou then destroy us because of the deeds of men who were futile?"(24).

These two verses clearly show the instinct inherent in everybody about the existence of Allah and His singleness.

However, Allah's blessing of Man did not stop there; he sent his prophets to different nations to remind them. Allah, the Almighty, said: *"Who receiveth guidance, receiveth it for his own benefit: who goeth astray doth so to his own loss..."*(25), and also said, *"Then sent We Our apostles in succession: every time there came to a people their apostle, they accused him of falsehood: so We made them follow each other (in punishment): We made them as a tale (that is told): so away with a people that will not believe!"*(26). In this context, we should discuss disbelief and its types, why believers in the existence of Allah disagree about monotheism and polytheism and if their disagreement means a difference in the content of the heavenly messages which came successively in the history of human civilization.

Belief and the Requirements for its Perfection

First : Belief in Allah requires recalling His existence in one's self. In other words, the believer has to be sincerely convinced that Allah sees him and that He knows his secrets and intentions.

Since Man is given the trust of maintaining propriety and truth and avoiding -deliberate- sin and injustice, no reasonable individual can ever escape it, because a determined, common and steady proportion of this trust, shared among all societies, represents the minimum concept of good and evil. Aggressing a peaceful person is evil, taking somebody's money without his consent is evil and the breach of trust is evil....

This amount of moral behavior is called by a group of law philosophers natural law. That is to say, that the nature of social life implies obligations and rights distributed among the individuals for the sake of a possible common life.

Some of those philosophers attribute the establishment of law to the social contract, whereas others ascribe all norms common among nations-- including laws and practices which distinguish good from evil and specify a minimum of rights and obligations--to the fact that the first genesis of life on earth was organized by a systematic divine law; they believe that the complexity of life and the scattering of humans into different civilized societies led to different scales of good and evil with the persistence of a minimum of the first divine law unchanged because it is indispensable to the existence of people within organized societies.(27)

On our part, we cannot imagine the birth of society, hence law, by the means of a simple social contract as fancied by the first group. The agreement between two parties or more to contract a social life, which entails a systematic distribution of rights and obligations, requires the existence of an advanced conception of law and its utility in the minds of individuals before they join the group. How could this conception exist in the minds of scattered individuals? How can it be of the same degree or close to it? How did these individuals get this conception? How did they decide how to organize their groups? How did they imagine groups before organizing them, even though they had never seen any example of organized groups?

The answer to these questions is that Man was given knowledge about a basic law totally different from the instinctive rules of animal groups. The source of this law is Allah the Perfect and the Majestic. It is Him who made human societies civilized ones, different from animal groups which were taught only the behaviors related to their instincts. The knowledge Allah transmits to them is instinctive because they don't have minds; thus neither good nor evil is attributed to animals. A lion which assaults a prey doesn't perpetrate evil; there is neither an oppressor nor an oppressed. The animal within the group follows its instinctive law : if an animal becomes abnormal, no violation is attributed to it, and if it loses strength and grows weak no member within the group helps it.

Allah the Perfect and the Majestic said:

"Mankind was one single nation, and God sent Messengers with glad tidings and warnings; and with them He sent the Book in truth, to judge between people in matters wherein they differed; but the People of the Book, after the clear Signs came to them, did not differ among themselves, except through selfish contumacy. God by His Grace guided the Believers to the Truth, concerning that wherein they differed? For God guides whom He will to a path that is straight."(28)

This means that Man was created to live in an organized society from the beginning.

Second : The belief in Allah requires that the believer should know what He is expecting from him. Therefore, knowledge about Shariaa is obligatory.

Such a knowledge leads to an awareness of acceptable behavior which in itself makes of Man a valuable model in his society and helps him win deliverance in the hereafter. The criterion of this knowledge is the transmission of the call.

The Divine Message is a call and a reminder of nations about Shariaa. Each message came as a mercy from Allah and out of sympathy for the weakness of the human soul, which weakness makes the individual feel that abiding by Shariaa to be too heavy for him. Accordingly, we notice that Prophets bring proofs and miracles which make a group of people believe; another group refuses to believe and even opposes these prophets. An individual assumes his responsibility at the moment he learns of what makes his knowledge richer and makes him see the truth; if he goes against the natural disposition of his conscience to recognize the truth and maintain it and decides to give up Shariaa, after he has been made aware of the indisputable evidence, he is called a disbeliever .

Allah the Perfect and the Majestic said: *"As to those who reject Faith, it is the same to them whether thou warn them or do not warn them; they will not believe"*[(29)]. This verse shows that the proselytizer should not waste his time urging whoever has got enough knowledge about the right path and not only repudiates the blessing of the conscience inciting one instinctively to maintain the truth but also keeps following the road of injustice. It doesn't mean that the fate of the disbeliever is sealed, as some people may return to faith after being disbelievers. Everyone is forced by his own circumstances. There is enough time in life for reconsidering one's decision and Allah is all-knowing and omniscient.

The focus idea raised by this verse is that the expounder communicates a clearly sufficient amount of the Divine Message. Once he communicates it to some, he has to seek others who don't know yet or whose knowledge about religion is lacking or distorted.

Allah the Perfect and the Majestic said: *"Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best*

and most gracious for thy Lord knoweth best, who has strayed from His Path, and who receive guidance"(30).

The origins of the divine messages are the same, since they emanate from Allah, who is far above deficiencies and contradictions. All messages are based on the unicity of Allah.

Details of the obligatory rules may differ from one message to another, but they all aim to establish a virtuous and honest society.

What is the reason for perverting the belief in the singleness of Allah?

People's beliefs weaken at the death of the prophets. Some of them intentionally distort the precepts of religion in order to realize their illusory objectives. They think these objectives to be noble and permit themselves anything to realize them, including the distortion of texts and the meanings of divine rules. Knowledge, in ancient societies, was in general orally transmitted between people; hence the distortion of the contents of the divine messages was possible and the intentional or unintentional loss of their original foundations as they were directly imparted by the prophets an easy matter.

Even if there were honest religious scholars in every society, many people interpret the exhortations according to their tendencies, especially when talking about Allah's pardon and mercy.

People have been used to use signs to pass knowledge around, either phonic signs which represent the language of conversation between them, or written and graphic signs. The absence of these signs makes Man afraid of being severed from his mates and kins.

Allah supplied people with rites of worship which exceed verbal signs so that they can be assured of His closeness; He elaborated the manner of prayer and showed them the Kiblah (direction to which Muslims turn while praying) for their prostrations and bowings to Allah. The Kiblah is a symbol; it should, therefore, not be taken as an object of worship for itself , for Allah is the only being to be worshipped and He is everywhere. The fact that people prostrate to Allah in the direction of the Kiblah, which He determined in a specific place or building--as was the case with al-Aqsa Mosque in old times and at the dawn of Islam until He replaced it with al-Ka'aba--doesn't mean that they pray to al-Ka'aba itself. Whoever does not know the Kiblah can pray towards any direction and whoever happens to be near al-Ka'aba should pray opposite one of

its sides. Moreover, if one were to pray to the Ka'aba itself, prayer inside it couldn't have been possible. From a legal point of view, taking any direction in prayer is acceptable.

Seeking symbols to invoke Allah is not allowed except on the basis of what Allah has specified in the Shariaa.

You may decorate your house with an embellished and illustrated inscription of the name of Allah in a lovely picture, but you cannot religiously prostrate to this picture, for it is an object even if it symbolizes His name as it is present in the soul.

It is the Prophets who transmitted Allah's messages to people. They were human beings who lived among their people. Every believer would not only like to meet the Prophet many times a day but would wish to live near him most of the time as well; but this was impossible due to the great number of people and the abundance of their needs. Therefore, they resorted to writing down and recording what the Prophet said about Shariaa and its precepts so that records would circulate among the righteous, who in turn would copy them and communicate the religious instructions to other people. Every prophet has his own assistants from among his companions, among which we find scribes. Any disagreement or doubt about anything concerning what people knew during the time of the Prophet didn't represent any problem or conflict among them, since it was possible for them to resort to the Prophets who would remove any controversy through a divine ordinance.

After the death of prophets, the door of discretion (ijtihad) is opened. It's a burden for those who are informed about religion. They are human beings whose minds differ in the same way that fruits vary. Their points of view about practical questions differ--the same as Allah's material blessings to human beings vary-- hence the difference in their interpretations and explanations. However, nothing hinders the wicked, who wants to hurt people, from infiltrating the group of those who are informed about the precepts of religion. Allah the Majestic said "We have made some of you as trial for others: Will ye have patience"(31).

The believer who is busy working for a living and who wants to be in constant relationship with Allah, doesn't have enough time to meet religious scholars on a daily basis. Therefore, many people acquire a written copy of the Qur'an and seek blessing and grace in repeating Allah's written names and saying invocations, etc. That is certainly a source of a lot of good.

The individual who possesses a transcribed --or printed--copy of the Qur'an doesn't refrain from acquiring knowledge from it; a lot of people feel contented with the understanding imprinted on their minds at the first reading; they do not discuss their interpretations with religious scholars. Thus, they acquire a distorted knowledge of the rules of the Divine Message. You may, for example, meet an intellectual who is highly specialized in a science other than Shariaa, but who thinks that it is not necessary to incite people to embrace the faith because Allah said in the Qur'an: *"As to those who reject Faith, it is the same to them whether thou warn them or do not warn them; they will not believe"*. This is a wrong understanding because the disbeliever referred to here is the apostate who knows about the truthfulness of the divine message but denies it. The verse addresses the Prophet--and the missionary after him--whom Allah orders to stop once the message is transmitted in order to avoid the futility of a sterile debate and to go on to inform those who are still insufficiently aware of the message. When he has finished doing that, he should go on to inform others and so on and so forth. Therefore, ignorance about the correct meaning of the verses mislead people into believing that Allah's verses are contradictory, which is very far from the truth. He said, *"Call unto the way of thy Lord with wisdom and goodly exhortation, and contend with them on the basis of that which is best. Thy Lord knows best those who have strayed away from His path, and He knows best those who are rightly guided."* How come then that spreading the message is alleged not to be obligatory!

What we would like to show is that people tend to understand in a distorted manner parts of the precepts of the divine message after the death of the prophets.

In ancient civilizations, the need for symbols made people exaggerate. An example of this exaggeration was the excess in demonstrating love to the prophets leading to their sanctification. Some people make representations of them in pictures and statues; some nations used the Cross as a symbol of Christ, which symbol they prostrated to and worshipped, while still believing in Allah; they ended up as polytheists who got so accustomed to the symbol that they used it as intermediary between them and Allah.

People are in need of the Divine Message that specifies and determines the precepts of belief, worship and conduct. Therefore, Allah sent the Last Prophet with a message, which He predetermined to be written down as it had been sent down to the Prophet and to be preserved from any distortion. It is reviewed when copied according to principles that are maintained forever.

Nobody doubts that Muhammad was an Arab, who spoke Arabic and transmitted the Qur'an in the language it had been sent down in i.e. Arabic. So the Qur'an is indisputably and originally Arabic. Whoever claims precepts other than those revealed in it, can be found out to be a liar by reviewing his claims on the basis of the principles of the preserved handwritten copies of the Qur'an.

The scriptures that record the divine messages which had preceded the Qur'an are written in various modern languages totally different from the original languages in which people had received the divine call and which they had used to transcribe the sayings of the prophets prior to Muhammad. The original is always necessary to check errors and intentional distortions, but it is unavailable in the case of the scriptures that are precedent to the Qur'an, because Moses (ABBH), for example, who was a native of the tribe of Israel but was brought up in the palace of the Pharaoh of Egypt since his birth, may have conveyed his Book or part of it in the ancient Egyptian language, especially if the Israelis, who were living in Egypt at the time, used the same language as Egyptians.

If anybody claims that he has found records of the sayings of Moses written in ancient Egyptian, it will not be sufficient because these original records will not serve as reference since no one, in modern times, can understand them. On the other hand, Moses may have addressed people in the language of the Israelis (old Hebrew) which is unintelligible nowadays too because it is quite different from modern Hebrew. It is widely known that Hebrew went through many stages of development and change, which makes modern Hebrew basically different from the old. This leads to the same problem. The same thing can also be said about the original Bible.

Therefore, no original Holy Scripture, in this century, is more appropriate to be used as a reference to solve doctrinal controversies than the holy Qur'an. Manuscripts of its old copies are available; Arabic is widespread over a large part of the earth and hasn't suffered any basic change. Accordingly, Muslims do not have any disagreement about the faith and believe in the simple and easily acceptable fact that Allah based his messages on the concept of monotheism.

Allah forgives those who were contemporaries of no prophet for all the distortions of the faith they had been handed down and judges them for the good or the evil they did, according to what was prevalent among them, except those who knew about the distortions and preserved them.

Believers asked Muhammad (MABUH) about what would become of people who had lived prior to the coming of Islam, then Allah said: *"Those who believe (in the Qur'an), and those who follow the Jewish (scriptures), and the Christians and the Sabians, --any who believe in God and the Last Day, and work righteousness, shall have their reward with their Lord: on them shall be no fear, nor shall they grieve"*(32).

After the Qur'an had been sent down, there remained no need for prophets. The Qur'an is a divine message transmitted by Muhammad (MABUH), who, after his death, was replaced by proselytizers. Nobody will be forgiven for not knowing the last divine message, except those who weren't clearly informed about it and to whom can be attributed no negligence or abandonment. Secluded tribes are excused and are judged only according to their knowledge about the holy precepts through their heritage.

It is not accepted to say that since Allah's divine messages share the same content, which is monotheism, why are not people given the choice between believing in Islam and the Qur'an and believing in another religion based on the same concept of monotheism?

The answer is that the believer should have knowledge of a divine message to follow its content and in the light of which he could correct his concepts. This is the divine law on the basis of which Man will be judged on the Day of Resurrection. Allah sent successive messages to adjust the distortions which befell previous precepts. Man is ordered to believe in the last message because it is obligatory to follow its precepts after he has been clearly informed about them.

Allah mentions the abrogation of precepts in order to alleviate people's obligations or in order to ask them to do something new; hence abrogation between the divine messages comes under the rubric of detailed precepts. Yet, as far as doctrine is concerned, it has been based on the same topic, which is monotheism and the belief in all of Allah's Books and prophets, since the creation of the universe. Therefore, if somebody, who is clearly informed about Islam, acknowledges his belief in Allah, the Unique, but denies belief in the Qur'an, then his belief is rejected because he doesn't believe in all of Allah's Prophets and Books. This is one of the fundamentally doctrinal issues ordered by Allah.

Allah the Perfect and the Majestic said: *"It is not righteousness that ye turn your faces towards East or West; but it is righteousness--to believe in God and the Last Day and the Angels, and the Book, and the Messengers"* (33).

These facts are shared among the wise who adore Allah and do not feel disinclined to believe in Him and follow His Shariaa.

As for the apostate, he does not only doubt this truth, but turns his back to Islam, by claiming that Muhammad (MABUH) is a liar and that he is the author of the Qur'an. He must provide evidence for his lies, which he cannot do. The easiest thing a man can do to dodge a particular matter is to consider the messenger who brought it as a liar, without providing any evidence or without even daring to look for it.

Is Man Forgiven for that ?

People are not forgiven for taking such a stand, except those who are not clearly informed about Islam, in which case they would not be accused of negligence in differentiating between the right and the wrong, with regard to Islam. Allah created Man to worship Him. The fulfillment of this task requires that Man does all he can to seek the truth of the last message; this implies that transmitting the message and calling people to join the religion is a collective duty. It is incumbent upon Muslims by virtue of Allah's order *"Thus have We made of you an Umma justly balanced, that ye might be witnesses over the nations and the Apostle a witness over yourselves"*(34). The caller should remember when the Prophet (MABUH) said: "None of you is a believer until he wishes for his brother what he wishes to himself"(35). The caller should call people to join the Faith out of a sense of duty and without breaching any of the codes of friendship and human brotherhood.

NON-MUSLIMS' CONDITIONS AND THEIR RESPONSIBILITY REGARDING THE FAITH

It has been stated above that a non-Muslim who hasn't been informed about the last message, " the Qur'an ", the embodiment of the Islamic Shariaa, the natural and tolerant religion, is forgiven by Allah for following the religious legacy of his ancestors; he is not responsible for his distorted concepts about religion as long as he has not participated in this distortion, as long as he did know about it, and as long as the distortion is not obvious and unbelievable.

This forgiveness depends on whether he refused to get to know Islam and its sources of evidence, the Qur'an and the Sunna. This abandonment happens when the individual had an opportunity to know this religion and to examine it carefully without being inconvenienced, but he did not take it.

Therefore, we can recognize the status of the non-Muslim and his responsibility for the integrity of the belief in Allah in three positions :

1. Lack of Knowledge about the Last Message

Let us take for example secluded tribes which use a special language that is unknown to other people. Those tribes do not use international languages in addition to theirs; there are examples of these tribes in South Africa and Sudan, and among the Eskimos in the North Pole and others. As stated above, these are forgiven for their knowledge about religion even if it is distorted.

Allah said: *" Those who believe (in the Qur'an), and those who follow the Jewish (scriptures), and the Christians and the Sabians, --any who believe in God and the Last Day, and work righteousness, shall have their reward with their Lord: on them shall be no fear, nor shall they grieve"*[36]. This verse was revealed to answer the question some believers asked the Prophet (MABUH) about their predecessors who had died as disbelievers before the coming of Islam[37]. Yet the topic of the verse is general, as it deals with the fact that the lack of knowledge about Islam under any circumstances doesn't imply any negligence on the part to the individual. Thus, excused are those who were ignorant of this religion, even if they were living at the time when the message was revalued to the Prophet (MABPH) because the means for disseminating knowledge were not available then; Allah said *"On no soul doth God place a burden greater than it can bear. It gets every good that it earns, and it suffers every ill that it gets"*[38].

The belief of these tribes in the unity of Allah may not have been distorted by polytheism; for Allah sent messengers to different nations to guide them to the right path. He, the Almighty, said:

"*We have sent thee inspiration, as We sent to Noah and the Messengers after him. We sent inspiration to Abraham, Isma'il, Isaac, Jacob and the Tribes, to Jesus, Job, Jonah, Aaron, and Solomon, and to David We gave the Psalms./ Of some apostles We have already told thee the story; of others we have not;--and to Moses God spoke direct; --/ Apostles who gave good news as well as warning, that mankind, after (the coming) of the apostles, should have no plea against God: For god is Exalted in Power, Wise*(39).

He also said, *"Then sent We Our apostles in succession: every time there came to a people their apostle, they accused him of falsehood: so We made them follow each other (in punishment): We made them as a tale (that is told): so away with a people that will not believe!"*(40).

He who knows about the concept of monotheism as compared to polytheism bears the burden of the penetration of false beliefs to such tribes and societies. Conscience demands belief in monotheism because it represents Allah's absolute infallibility and the relinquishing of polytheism because it implies the degradation of Allah, the Perfect and the Majestic.

Their posterity will also be responsible if concepts of monotheism prevail in their own culture along with concepts of polytheism.

If polytheism predominates over all tribesmen, so much so that monotheists become an insignificant and weak group, unable to ensure the transmission of the message; if most aspects of the tribe's religious culture come to be based on polytheism; if the belief in monotheism, its concepts and its proofs involve difficulty and inconvenience--which may happen as time passes by, after the death of the prophets and the decline in the transmission of information afterwards thereby causing a distortion in people's understanding of religion as well as the degeneration of polytheism among the population; if all of these things happen, we can say that only those who have a clear knowledge of the cultural and religious concepts of monotheism as compared to the concepts of polytheism and preferred the latter to the former are the ones who should bear the responsibility for the distortion of the faith.

Therefore, many of the generations who inherit polytheistic beliefs do not bear this responsibility unless their general culture includes concepts emphasizing Allah's uniqueness.

2. Cases Concerning the Refusal to Acquire Knowledge about Islam

When a people's culture comprises the understanding of Islam, its principles, its argument, as well as the Divine Book--the Holy Qur'an-- and the pure and correct Tradition of the Prophet, so much so that it is true to say that Islam is one of the pillars of the general culture of this people, then that means that each of its ordinary members can understand monotheism and have a good idea of Allah's religion without difficulty. It also means that the Muslims are able to bear the burden of transmitting the message without too much inconvenience by designating some members of their society--those with a good knowledge of Islam and of distorted dogmas--who will present arguments to the disbelievers, debate with them, and move from one place to another to spread out the message. The message will develop then and become a subject of debate, which will make learning Allah's last message occupy an important part in the general culture of the society under question. If this happens none shall be forgiven for not knowing about Islam, for unawareness here represents a refusal and a deliberate negligence.

*** In Islamic Countries**

- The general culture in Arabic-speaking Islamic countries is full of clear concepts of Islam concerning doctrine, worship and conduct, etc. Therefore, we can say that a non-Muslim citizen is aware of Islam as a religion based on monotheism and the negation of polytheism. Even if his information may be confused, it is certain that he knows that the Muslim's belief relies on the fact that Muhammad(MABUH) transmitted a message to people calling for the profession of the unity of Allah. When in doubt about any of this, he can easily get more information by using books, checking references, reading verses and meeting with scholars, which enriches his knowledge and stirs his conscience to naturally admit the Truth. Many non-Muslims living in these countries have enough knowledge of the Truth; however, they refuse to admit it, preferring their heritage within a context that stresses the sense of identity, customs, traditions ...

Among these are illiterates who are busy trying hard to earn their living and have no time left to sort out the authenticity of the belief from its falsehood. They may not know anything in their life except hardships. These are not forgiven either because hardship doesn't excuse Man for relegating his religion to a secondary position in the Herefater. He who believes in the Hereafter

should value Allah highly and, on that basis, strive to live in this world. Those who lead such a life should, in spite of the hardships and hard work, inquire from time to time about the revelation brought by Muhammad (MABUH) and develop the sources of their knowledge in order to get to the truth, for which they should have plenty of time in life.

In addition to this, the circumstances in which these people live make part of the responsibility of spreading the message fall upon Muslims, for the transmitters must take care of them, educate them and enrich their knowledge with concepts about the unity of Allah and His Last Message to humanity.

The case is not different with non-Arabic speaking Muslim countries. Because monotheism and its arguments are widespread, it represents a fundamental pillar in the general culture of the peoples of these countries. Its concept doesn't suffer any distortion due to the difference between their language and Arabic, for monotheism and Allah's infallibility within its frame of reference strikes a natural chord that exists in everyone of us. Expressing it in different languages does not lead to any confusion; thus no citizen in these countries is forgiven for his disbelief, which, if it happens, is seen as a refusal to maintain the truth.

The real problem for these peoples emanates from their little knowledge about the practical precepts of Islam. Only the Arabic-speaking elite has a deep and clear knowledge about the rules of the Qur'an and the Sunna in practical life. There are many Muslims who pray by reading "Al Fatiha " (the first Sura) and some verses from the Qur'an without even understanding their meaning, since, unlike the élite, they do not speak Arabic as well as their local language.

There is no doubt that teaching Islamic religion in Arabic, starting from matters of doctrine, worship, crimes and then felonies, will have great benefits because it creates an appropriate basis for learning the precepts of religion in a clear and profound manner.

On the other hand, we should admit that it is not easy to arabize all the population so that it would recognize the principles of their religion and the details of its precepts. Therefore, it is important to put up programs to teach Islam and Islamic culture in the predominant language of the people in question as well as in Arabic.

Actually, only few people manage to learn Arabic. Similarly, there are few Arabic centers and Arabic teaching programs as compared to other schools.

What will happen to those who fail to learn Arabic or who don't try to learn it? The level of their religious knowledge is undoubtedly very low. So it is important to look for alternatives in order to teach Islam in the local languages. The benefits of such a compromise will concern the whole population; it is in no one's interests to leave those who do not speak Arabic at a loss as to the culture of their religion. It would be better if one prays to Allah uttering the meanings of the Qur'an in the language he understands than not to pray at all because he doesn't know Arabic.

There should be no fear from this because these peoples found their belief in Islam on a complete and solid doctrinal basis. Teaching in a language other than Arabic makes of the interpretative judgments carried out by Arab Muslims, after they are translated into the language of the country under consideration, indisputable basics. Thereafter, there is no harm in delivering individual judgements depending on the local context, especially that these do not affect the basics at all.

An additional important practical problem consists in the fact that the practice of Islamic principles at work requires a certain knowledge about religious precepts. The absence of adequate programs of religious teaching in the local languages leads to the increase of the number of those who do not follow Islamic instructions and who may constitute the majority-- which is not quite laudable as a phenomenon.

*** Non-Muslim Societies whose Culture is Open**

There are non-Muslim societies which have a distorted and corrupted knowledge of Islam. Muslim minorities live in several of these societies--West-European countries, U.S.A and South American countries, etc. However, these Muslim minorities are not able to transmit an enlightened and a clear definition of Islam to the rest of the population in such a way as may lead us to state that there is enough information circulating about the Last Message and that no disbeliever could pretend that he is not informed about it. This is due to the fact that most of the members of the Muslim minority are integrated in the daily life, the customs and the traditions of their country; few of them are concerned with educating their children and teaching them about Islam. Yet, they cannot adequately fulfill the tasks of teaching religious enlightenment to the rest of the Muslims without great difficulty. Their activity which consists of calling non-Muslims to familiarize themselves with Islam, is almost contained customs, traditions and a thought that are hostile to Islam, even if this containment is only tacit.

What is the Responsibility of the non-Muslim Living in these Societies vis-à-vis Allah?

- There is a minority in each of these societies who clearly knows about Islam and its principles, but who refuses to embrace it. To these belong those who have studied Islam, such as orientalists.

We can assert that these people who are adequately informed about Islam and its principles are responsible to Allah for sticking to their inherited concepts of polytheism. Even if they study Arabic and read the Qur'an, the Sunna, as well as books of faith, doctrinal books and books of Sufism etc., they attack Islam and are always in search of ways to demean it.

An individual who is knowledgeable of the religion of unification, should have no problem in recognizing Truth. The right conscience should acknowledge this religion and should not favor the distorted cultic heritage. Persisting in holding these beliefs after having been informed about Islam is nothing more than striving for a worldly rank or authority or money, or avoiding the disapproval of the social environment, for admitting the truth and embracing the last religion means forsaking all or some of the inherited concepts, according to the circumstances.

Allah, the Perfect and the Majestic, says about these: *"As for those who sell the faith they owe to God and their own plighted word for a small price, they shall have no portion in the hereafter"*[41], and threatens them with suffering in the hereafter as a retribution to them for their disbelief.

He says about those who fear their people and the social environment: *"Yet there are men who take (for worship) others besides God, as equal with God. They love them as they should love God. But those of faith are overflowing in their love for God"*[42]. He ordered people to admit the truth, even if it is not in their own interests: *"O ye who believe! Stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin"*[43].

This is in respect to those who favored disbelief to monotheism after they had been informed.

As for those who believe in Allah and embrace Islam, but do not reveal their belief, fearing their people or fearing that their position and their earnings, on which they rely, will be affected, and neither contest Islam nor participate in hurting the Muslims, they are considered by Allah to be weak Muslims. This

weak belief is accepted by Allah. Muhammad (MABUH) said: "Allah prefers and likes the strong believer more than the weak one and likes both better than others." The strong believer can openly declare his Islam, enlighten the others about facts which they ignore, and seek knowledge about the religion of Allah. On the other hand, the believer who keeps Islam to himself prefers to avoid the responsibility of informing others about the Last Divine Message; calling people to embrace the new faith is not only an individual duty but a collective responsibility as well to be borne by the whole community. It can be effectively fulfilled by many individuals who are competent enough to meet this obligation (we will come back to this point in the chapter dealing with the responsibility set by Allah to Muslims to spread out the call). He who hides his Islam prefers not to take part in the call to Allah's religion; he may have an excuse--acceptable to Allah--which impels him to keep his belief secret; he may be in fear of a great danger which threatens his life and his children; he may fear poverty and the disdain of people around him, etc. Anyway, this person has to keep away from any trend that shows hostility to Islam, to avoid being considered a hypocrite, for hypocrites are disbelievers in the eyes of Allah. The attribute of disbelief is not mitigated by the covert belief in Allah and His singleness. As the hypocrites at the time of the Prophet and within Muslim society pretended to believe in Islam and hid their hostility to it, Muslims in non-Muslim societies keep secret their belief in Allah and His Prophet and show an apparent antagonism to it through harmful acts. They think that by so doing they are safe! Far from it. They are like: *"those who put up a mosque by way of mischief and infidelity--to disunite the Believers--and in preparation for one who warred against God and His Apostle aforetime"*[(44)].

Exception is made for those who are actually coerced. The following Qur'anic verse concerns them: *"Except under compulsion, his heart remaining firm in Faith"*[(45)]. So does the following Prophetic saying: "Allah forgives a people their mistake, their forgetfulness, and what they are coerced to do." Compulsion does not apply when the case involves committing murder or taking part in it. Those who are coerced to kill are not forgiven what they have done[(46)].

- As for ordinary people in the West--those who depend on solely on the distorted and untrue information disseminated by orientalists, the media and general writings on Islam--they are simply victims whose fate at the hands of Allah cannot be guessed. But Allah is just and merciful. People should be aware that no sooner had they acquired information or part of it about this religion,

they should act swiftly to enhance it by consulting Islamic sources. It would be better if he consults a scholar well-versed in things Islamic, if he does not want to be considered among those who turn their backs to Islam and of which Allah said: *"and who doth more wrong than one who is reminded of the Signs of his Lord, but turns ways from them"*(47). They are asked on the Day of Judgement: *"'Did no Warner come to you?' They will say: 'Yes indeed; a Warner did come to us, but we rejected him'"*(48).

We will deal later in this study with the responsibility of Muslims for their collective duty in transmitting the message to these.

It should be mentioned here that the corrupted and distorted knowledge about religion is seen here as a lack of information. It is similar to when you know that the person you are dealing with is wrongly doing his addition, subtraction and multiplication operations because the calculus rules he has got are wrong. You do not accuse him of a false conscience but you will consider him among those who have not assimilated the rules of arithmetic's even if he is not convinced himself and thinks that he knows those rules. False rules have stuck in his mind but he does not know that they are false; he will know only when he gets the correct information which will update what he has learnt. If he gets the right information and stills insists on going by the old rule, then you can accuse him of being corrupt, foolish and unjust.



MAN'S RIGHT TO A CLEAR KNOWLEDGE OF THE LAST DIVINE MESSAGE

Any responsibility which Man assumes in life entitles him in return to certain rights. Concerning the responsibility for the well-being of doctrine and faith in Allah, Allah said: *"Apostles who gave good news as well as warning, that mankind, after (the coming) of the apostles, should have no plea against God: For God is Exalted in power, wise."*[49]. We can infer from this verse that man has an unquestionable right to know Allah's Law. The question now is who is responsible for conveying that knowledge to others and who is in need to know divine law in our modern context, especially that we live in an age where prophets have ceased to be sent for more than fourteen hundred years, that is since the death of Muhammad (PBUH), the Seal of Prophets.

*** The Muslim's Duty to Preach Islam to all People**

Allah the Almighty tells his blessed Prophet (PBUH): *"We have sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin)"*[50]. He also said: *"Invite (all) to the Way of thy Lord with wisdom and beautiful preaching"*[51]. He also said: *"If one amongst the Pagans ask thee for asylum, grant it to him, so that he may hear the Word of God; and then escort him to where he can be secure. That is because they are men without knowledge"*[52].

The Prophet (PBUH) sent messages to the kings and the leaders of nearby nations urging them to believe in the last divine message[53] While some of these kings embraced Islam and opened their doors for this religion to be taught to their people, others disbelieved and vehemently fought anyone who tried to preach in the lands that came under their rule. In so doing, they deprived individual persons form their right to know the last divine religion before choosing to embrace it or to remain in a state of godlessness. The Prophet (PBUH) died while Roman and Persian armies were waiting for the appropriate time to attack the Islamic nation. After him came the Wise Caliphs during whose reign Islam saw its boundaries considerably expand. Later, wars broke out between Muslims and the Crusaders. The modern age saw the colonization of the majority of Islamic countries. Then Islamic peoples got their independence.

In modern times, after the establishment of the principles of human rights and the abolition of slavery, world cultures have become more open to each other as impediments to the circulation of information were removed, especially that the development of mass media has played an important role.

The definition of development in our modern world is now measured by criteria of science, work, and the sum of money allocated to promote cultural and economic welfare in society. Indeed, the spreading of cultures is strongly dependent on economic conditions; a poor economy invariably leads to a shrinking of cultural horizons.

Given this context, one is curious to know the position of Islamic culture in Western societies and the responsibility of both Muslims and non-Muslims for the distorted picture of Islam in these societies' cultures.

According to the logic of Allah's discourse which addresses all of humanity, and in conformity with modern conventional idiom, we can say that knowing the last divine message is one of the most fundamental rights of Man.

* Preaching Islam in the Past

For any doctrine to spread out, it must operate on sound principles. In fact, if you want to show someone the way to a certain matter, you have to tell him what that matter in essence is. This can be achieved only in an atmosphere of peace. Similarly, you cannot compel any person to follow a particular religion without him understanding its essence. Defining a matter, in this particular instance Islam, is conceivable only through peaceful means.

History has brought us many instances of how Islam spread out in different societies: peacefully in some of them, and after military conquests in others[(54)].

The logic behind Jihad (military wars) was to open the doors for Allah's message in places where its diffusion was forbidden. Thus, Muslims were at peace in Ethiopia as its leaders--since the reign of the Negus who was in power at the time of the Prophet--allowed Muslims to preach freely their faith in their land[(55)]. Transmitting Islam to others is a duty which Allah imposed on all Muslims after the death of the Prophet (PBUH). Allah said: *"Thus have We made of you an Umma justly balanced, that ye might be witnesses over the nations, and the Apostle a witness over yourselves"*[(56)]. History also bears witness to the peaceful entry of Islam into many corners of the world at the hands of tradesmen and preachers. That was the case of the African Sudan and Morocco. Some other countries, like the emirates of the Arab Gulf, embraced Islam as soon as its leaders accepted the new faith.[(57)]

Every historical enterprise has its own shortcomings which are due in large part to the sense of arrogance following success, power and superiority. Muslim

societies soon waged wars against each other in a bid to assume the Caliphate, i.e. the leadership over all Islamic countries. Even nowadays, we find instances of infighting for power among Muslims--instances where Muslim blood is spilled by Muslims themselves.

The history of Islam tells also of some invaders who, in the name of Islamic conquests, colonized helpless peoples. Once these rulers assumed power, they devoted their time more to amassing wealth and treasures than to introducing Islam to the local populations. In this respect, they acted as mere colonizers, who shed blood for the sake of looting and plundering and without any ideological objectives at all.(58)

The accumulation of these shortcomings in Muslim societies inevitably led to the weakening of the power of the state as it failed to apply basic fundamental principles, including conveying Allah's message to all mankind and implementing the lofty ethical concepts of Islam in the daily life of the societies under question. The outcome was that these Muslim societies suffered under the yoke of tyranny and colonization. Soon afterwards, the great majority of these societies would gain their independence as separate entities.

The second half of the twentieth century, which presented a good opportunity for Muslims to convey clearly and peacefully their religion to Western countries, has now elapsed. Muslims did not take advantage of that window of opportunity to carry out their duty towards Allah: to introduce all people of the earth to the magnanimous and tolerant teachings of Islam.

It is known that all throughout history, Muslims have never used force to make anyone embrace Islam (we shall answer the allegations put forth by the enemies of Islam concerning the Jizya --head tax on free non-Muslims under Muslim rule--and the like. These allegations claim that the Jizya exerts an indirect pressure on people forcing them to embrace Islam as the only way of getting exempt from that tax). The reason being that a proper knowledge of Islam and its principles is the right of every human being; only in this way could he assume his responsibility before Allah--and not in front of people--for choosing belief and its benefits or disbelief and its consequences. Allah said addressing his Prophet: *"If it had been thy Lord's Will they would all have believed,--all who are on earth! wilt thou then compel mankind, against their will, to believe!"*(59). He further said counseling his prophet to tell the disbelievers: *"To you be your Way, and to me mine"*(60). He also said: *"Say: 'O ye men! Now truth hath reached you from your Lord! Those who receive*

guidance, do so for the good of their souls; those who stray do so to their own loss: and I am not (set) over you to arrange your affairs"[61]

* The Ideal Framework for Informing People about Islam in the Modern Era

As we stated before, the legitimacy of armed conquests of a given country depends on the attitude of that country's ruler who may stand as a stumbling block before the communication of the last divine message to his people[64].

Now, at a time when the exchange of knowledge between cultures has become a lot easier than ever before, Muslims need to set up plans and strategies which may enable them to carry Allah's message to all peoples. These plans should take into consideration the following ideas:

1. Westerners' View of Islam is Incomplete and Distorted

It is a deep-seated truth that Westerners' knowledge of Islam is characterized by incompleteness and distortion. But why is it so?

One of the reasons resides in the fact that Muslims did not devise plans to provide a series of translations of the main Islamic reference books that portray the true image of Islam, first among which are the Qur'an (the Holy Book) and the Sunna (the Tradition of the Prophet).

As a matter of fact, the Qur'anic text may prove to be a source of ambiguity and dilemma for the non-Muslim reader especially if no explanation is provided. For instance, when the non-Muslim reads verse *"as to those who reject Faith, it is the same to them whether thou warn them or do not warn them; they will not believe"*,[63] or other verses having a similar meaning. He may wonder: "How can a Book bring forth a message when it already states that whether you warn the disbeliever or not, he will not believe? Am I not a non-Muslim? What if I read the Book and believed? Will God's verse be untrue as I was not a believer in the past? Does Allah lie? Then when he reads in Annhl Sura: *"Invite (all) to the Way of thy Lord with wisdom and beautiful preaching"*[64] he may think that there is a contradiction between this verse and the others.

In an Arabo-Islamic culture or even in a non-Arabic but strongly Islamic one, the non-Muslim can easily find answers to such questions by consulting books and commentaries or by meeting the 'Ulema (i.e. religious scholars). In fact, we may say that knowing Islam represents a full part of a non-Muslim's culture in these societies.

It is not the case, however, in Muslim societies. When a non-Muslim fails to find satisfactory explanations in the translation of the Qur'an, he usually resorts to orientalists on the assumption that they possess an in-depth knowledge of Islam. As the latter, in turn, fail to give satisfying answers, the confusion reaches its peak.

Summary linguistic commentaries would not help in dissipating this confusion. As a matter of fact, when the non-Muslim layman in Western societies wants to learn something about Islam, he picks a translation of the meaning of the Qur'an. These translations, which many non-Muslims possess, are widely available, easily found and inexpensive.

The state of confusion can be demystified with an in-depth knowledge of the history of the Islamic call. In fact, the disbeliever under question in the sixth verse of Al-Baqara Sura is the one who already acquired a thorough knowledge of Islam but, either out of stubbornness or out of arrogance, chose to turn his back to that faith preferring instead the religion of his ancestors. Whether you warn such a person or not, he will not believe(65).

The meaning of "he will not believe" should not be interpreted to suggest a final and irreversible verdict. In fact, although some people may have a great knowledge of Islam, they refuse to believe as they are afraid of different circumstances. Within a short or long period of time, they would change their minds, believe in Allah and even be devouts. The meaning of the verse is that Allah knows people during all the stages of their life and after death. Those who died unbelieving would not possibly repent after being warned no matter how many years they have lived.

The verse has also another facet. It encourages the communicator--the messenger or the preacher-- to convey a clear message to the non-Muslim. Once he becomes convinced that the latter has perfectly understood the message of Islam but adamantly refuses to believe in Allah, he must then quit that person to seek another one and so on...There is no need to insist after the transmission of the message.

The process of warning goes through two phases. In the first, the focus is on the necessity to believe in the existence and the singleness of Allah. If the unbeliever refuses to accept this truth, it becomes pointless to warn him of the second phase when he must obey all of Allah's orders as stated in the shariaa. That he prays, fasts etc., will, have no importance because he does not believe in

Allah, the revealer of the Shariaa. It is useless, then, to ask the believer to follow the practical aspects of the religion while still not believing in the doctrinal framework of the final message. Muslim scholars have an appropriate expression for this: obedience is incongruous with disbelief[66].

In fact, how can the non-Muslim layman (especially if he is not an Arab), who limits his efforts to a merely superficial study of the Qur'an and the translation of its meanings, acquire a thorough knowledge of Islam without reading explanatory books and translations.

Hence the important role Muslims play in the presentation of the Qur'an and the translation of its meanings, along with clear explanations and commentaries dealing with questions and issues raised in some verses such as the one mentioned previously in the sixth verse of al-Baqara concerning the transmission of the message.

Also, it will be a lot useful to put indication marks in the margins of verses that are abrogated, or to write these verses in a different color so that the reader could know that the judgements in question are abrogated, read the explanation, and understand the abrogation and the motives behind it. He would then realize how Allah shows His clemency towards his people by gradually imposing strict obligations or opting for leniency and flexibility. All in all, it highly important to provide the non-Muslim with an explanation of the Qur'an, edited in a medium-sized one-single volume, sold at a low price in order to make it accessible to ordinary non-Muslims.

The publication of this edition of the Qur'an, accompanied with a clear, simple and brief glossary of terms, as well as an explanation of ambiguous issues in the margin, will undoubtedly be of great benefit to the non-Muslim. Its translation will convey more efficiently Allah's message to non-Arabic societies.

The ordinary Muslim will also benefit from such an edition. His knowledge of Islamic discourse will be further enriched allowing him to understand better his faith and, by corollary, to convey it in a better manner to non-Muslims. A book dealing with Islamic issues will serve as a reference in the hands of both Muslims and non-Muslims to which they could resort to seek explanations for any subject at any moment.

For the non-Muslim, a book of this kind will also serve to dissipate the state of confusion in his mind about some issues, which could prompt him to consult people with a poor knowledge of Islam. In reality, the book is going to

increase his direct contacts with the Muslim 'Ulema, with no need for intermediaries. In this way, the non-Muslim will be free to choose either to believe or not to believe and therefore to assume the consequences of his choice.

It would be nice if the book contains an introductory definition of the Qur'an: a statement that every human being has the right to know about the last divine message and to know that the Qur'an is the only original source of a message from Allah that could serve in our time as a reference to solve the intellectual contradictions between different nations concerning doctrinal matters. Indeed, the Qur'an is written in the Arabic language that was spoken by the Arab Prophet after the Word was revealed to him. No other divine scripture was directly written down as it was revealed to their prophets. The only original scripture that humanity possesses now is the Qur'an (Its original manuscripts are still preserved). Even if original manuscripts of texts as spoken by Moses or Jesus (PBUT) were discovered, the language they would be written in would not be known in today's world. They would not, therefore, constitute a reference, given that it would be difficult to decipher the script and the symbols (Pharaoic, ancient Hebrew, Syriac) of these texts. In any case, the core of Allah's discourse concerning doctrine must remain the same in every message as Allah is far above falling into contradictions.

Add to this introduction, a few expressions of invitation and frightening (about the consequences of disbelieving), then the book becomes ready to be translated to different world languages. Appropriate efforts should be made to ensure its availability to every ordinary person.

Orientalists, who think they have a full and in-depth knowledge of Islam, will considerably enhance what they have. As a result, many will stop regarding Islam in a hostile manner. Some may even embrace it.

By and large, the publishing of such a book will dramatically weaken the activities of Islam's enemies who usually occupy positions of reference in the presentation of Islam to non-Muslims. Their depiction of Islam is shrouded in confusion and full of defects. Hence the crucial importance of the book as it will make most ordinary people feel that they are getting complete and credible information on Islam directly from Muslims; as a result, and out of honesty, most of them will seek complete and correct information directly from the 'Ulema, without the mediation of non-Muslims.

Following the model of the Qur'anic explanation, accompanied with a discussion of the issues, a similar approach must be adopted in the publication of the Sunna and the widely-distributed theological writings.

Question: Why do some non-Muslim Westerners embrace Islam despite the distortion that has befallen it in Western societies?

Answer: Leaving aside the idea that the conditions affecting every individual differ according to the context--in fact, one may enrich his knowledge by simple reading and contemplation or by travelling and meeting specialized persons...etc--we can say that there are some available translations of Islamic sources in the West that may actually guide and exhort people to embrace that faith.

The teaching of Arabic in Western societies depends greatly on texts drawn from Islamic heritage books wherein sufist and spiritual characteristics are largely preponderant.

The few people who embraced Islam in the West are those who, though living in a strongly materialistic environment, remained unaffected by the vanities and impurities of life. Their exhortation to follow Allah's religion through invitation and frightening will surely stimulate their feelings to acknowledge the truthfulness of Allah's last message.

The translations made into Western languages, along with the books written in Arabic, are therefore of great value. Many people find their way to Allah thanks to them.

Yet, although the inner inclination to embrace faith has not died among most Westerners (in fact, it never dies in a man), their souls have nonetheless suffered serious damages due to their overwhelming materialistic life style. To remove the barriers blinding their souls and make them appreciate the benefits of belief, it is necessary to adopt a coherent and rational discourse that relies on persuasion and evidence.

The publication of a series of coordinated translations, especially of the Qur'an and the Sunna, accompanied with an explanation of polemical issues, will largely serve the preaching of Islam to Westerners. Besides, it will attract many of them to embrace that religion since rational dialogue has a tremendous effect on the soul. Dialogue will increase the activities of Islamic centers and, by using logic and discourse, will illustrate better the principles of Islam--a

religion that does not stand as an impediment to the march of progress; on the contrary, it guarantees more prosperity to the majority of people and provides solutions to many current problems.

If genuine and undistorted Islam spreads in at least one technologically advanced country, the latter is sure to benefit from the full support of Islamic countries. This is likely to strengthen its economic power and to widen its cultural, economic as well as political activities in the international scene. Islamic countries will also derive great benefits from this.

2. Have Muslims Attained a Level that Allows them to Communicate Allah's Last Message to all Mankind?

No doubt, ordinary Muslims have sufficient knowledge of their duties toward Allah with respect to worship, conduct and the avoidance of what is prohibited. Still, in their relationship to non-Muslims, their Islamic culture is not up to the level. This is evident in some countries where intellectual extremism and sectarian strife have become predominant.

Islamic cultural output is very profuse in Islamic countries as Islam represents an integral part of these cultures. We can say that the non-Muslim living in these societies possesses enough information on Islam or, at the very least, can easily have access to that information from its true sources. Still, there are some issues that cause ambiguity in the minds of Muslims and non-Muslims alike and which disrupt their acquired knowledge for reasons that we shall discuss below.

In Western societies, the translation made by Muslim authors in addition to the writings of non-Muslims on Islam are oftentimes confusing. Westerners desirous of knowing Islam find the bases and the details of that faith presented to them unclear. If the non-Muslim reads a good book about Islam and then reads a mediocre one, he will be uncertain as to which is right and which is wrong.

Thus it is better to prepare a series of introductory books on Islam to non-Muslims (translated into different world languages). It should be composed of the Qur'an, an explanation of the issues that are of interest to non-Muslims, an abridged book drawn from Al-Bukhari containing the main Hadiths (sayings of the Prophet) in every field together with an explanation of the intricate issues, and a book on Islamic jurisprudence that is exhaustive and lucid enough and

accompanied with commentaries explaining the practical dimensions of the theoretical issues raised.

All in all, a medium-sized, low-prized package (three or four volumes) will inevitably, thanks to the coordinated information it contains, play an enlightening role in the midst of the huge amount of contradictory writings on Islam.

3. Has Islamic Culture outside University Walls Reached Maturity?

Confusion and extremism mark the character of many Muslims nowadays especially outside universities and specialized institutes of Islamic sciences. One of the major causes should be attributed, in my opinion, to the publication of new editions of old manuscripts without the intervention of educational and cultural institutions to enrich these books by raising serious intellectual issues as well as gauging the extent of their applicability to modern times.

Islamic doctrinal writings in the past were manuscripts that were read by a selected group of people: 'Ulema, judges, rulers, and brilliant students. The circle of their distribution was very narrow, if we compare it to what is happening nowadays. As for teaching, it was carried out through oral lectures delivered by a tutor to a group of students; students rarely own a book written by the tutor or by others. Students then used to ask hundreds of questions to which the teacher gave answers; the questions and the answers deal often with issues and concepts that are normally not included in books, given that books are generally destined for experts and specialists in the field.

Teachers used always to take the responsibility of explaining books during seminar sessions. Very few people relied on themselves to understand the meaning of books without the help of a teacher. Nowadays, thanks to sophisticated printing methods, the situation has completely changed. Old books are being published in thousands of copies, which are bought by any person who is anxious to distinguish between the lawful and the prohibited and save himself the time spent attending 'Ulema's courses.

Consequently, many people nowadays are resorting to self-teaching relying on these printed materials, without seeking guidance from the 'Ulemas--a guidance that is necessary to clarify the issues tackled in these books. They become then prone to confusion, for even if they assimilate the theoretical aspects of Islamic jurisprudence, they remain lost as to their effective

applicability. They do not understand also the priority of the sacred when some violations run against social security and the dignity which Islam guarantees to people's secrets, honor, homes, etc.

A major negative impact of self-teaching resides in the emergence of individuals who seemingly have an in-depth and exhaustive knowledge of Islamic doctrine simply because they have the ability to learn things by heart or speak fluently. People then gather around these individuals completely unaware of the ambivalent and extremist characteristics of his outlook with regard to many subjects.

These individuals who did not acquire learning from a school, an institute or a theology faculty add to a large extent to the widening of the gap binding common people to the 'Ulemas, and disseminate extremist and confusing ideas.

In front of this situation, the best thing to do, in my opinion, will be to take into consideration the measures of distance teaching in the publication of Islamic heritage books. In fact, distance-teaching books must be enriched with intellectual and guiding comments related to the issues raised in a given text. The purpose being that if a reader, for example, knows that the punishment for someone who perpetuates a serious crime is death, he should not think that the verdict will be carried out by individuals without the intervention of courts which are the only competent authorities to handle such cases. Otherwise, society would be prone to disorder and tumult.

To attain this objective, scientific centers must be established with a view to enrich the widely-circulated Islamic heritage books with intellectual and practical issues.

A single research center, composed of five members, from both 'Ulema and researchers, working in teams or individually with an average annual production of one volume of the published heritage books for each of them, accompanied with a discussion of current issues, means the publication of five invaluable volumes each year. Once these volumes are published, they will soon overtake older ones which are lacking in so far as information is concerned. Generally, people prefer developed and up-to-date editions.

A single small center can easily produce 25 volumes within five years. You can imagine what will happen if the center becomes bigger or if similar centers spread. In short, it means that in the long or medium run, ordinary people will immensely benefit from the printing of invaluable Islamic heritage

books that are in line with modern sciences and which serve the purposes of educating, enlightening and distance-teaching.

In fact, thanks to such books, which will be ripe for translation to world languages, the world will be exposed to an original Islamic thought--a thought which is: a) authentic in its relationship with the heritage of the last divine religion; b) up-to-date in that it keeps up with the concerns and concepts of modern society; c) easily understood. Ignorance or misunderstanding lead only to social unrest, the breach of peace or the violation of sacred human values.

Equipping the center with a translation department composed of experienced experts or establishing independent translation centers to work in collaboration with research centers is, therefore, of high importance. Their joint efforts to produce refined Islamic heritage books in other languages will be greatly beneficial.

Such projects will also bode well for Muslims--especially non-Arabic speakers--be they living as a majority in an Islamic country or as minorities in non-Islamic countries. The majority of Muslims will be, thus, able to explain the foundations of Islam and transmit the Message to all people.

In this context, I strongly urge university students and non in statu populari intellectuals studying Islamic manuscripts to comment on the contents of these manuscripts to make them easy to grasp and to shed light on the difficult terms found in them. After a manuscript is studied, it becomes ready for edition. Once edited, it is distributed in libraries and made accessible for anyone to buy. Therefore, the contents of the manuscript should be accessible to the non-specialized readership.

There is a large need nowadays for the establishment of a regional organization, whose main aim will be to preserve manuscripts and contemporary Islamic books, to prepare them for publication and translation, after enhancing them with intellectual and practical concepts.

RESPONSIBILITY TO SOCIETY FOR SAFEGUARDING DOCTRINE AND OPINION



ETHICAL AND RELIGIOUS VALUES AS UNDERPINNINGS OF CIVILIZED SOCIETY

In view of the connection of the believer's conscience to the Divine Message wherein the injunctions establishing the balance between various aspects of life were spelt out, the propagation of faith and respect for the legislation spare society many a danger and hoist it from weakness to strength. It also strengthens its cohesion and achieves its well-being with time. Allah, Most High, said: *"And O my people! Ask forgiveness of your Lord, and turn to Him : He will send you the skies pouring abundant rain, and add strength to your strength: so turn ye not back in sin!"*(67). The Prophet (PBUH) also said in this respect: "Allah, Sublime be His Name, hoists with this Book nations and dumps others".(68)

The present situation discloses that the feeling of most people for the importance of religious values and sublime ideals is on the decrease. As a result, values disintegrate in front of materialistic life and technological progress which are stripped off any compassionate or merciful considerations necessary for any generation bent on preserving the interests of upcoming generations.

Since time immemorial, spiritual and ethical values have been a human patrimony. Each individual's mind is inoculated a modicum of these values because they are mankind's original law. The origins of this law go back to the beginning of human life on earth. These spiritual and ethical values are the regulations that Allah taught Adam (PBUH) and ordained him to comply with.

Handed down from generation to generation, most of these regulations were lost in the course of the growth of nations and their separation. It is for this reason that Allah sent His apostles to remind peoples of His full, pure and righteous revelation. A great deal of what the religions have come up with was lost amidst cultural accumulations. Allah, therefore, revealed His Seal Message, viz. the Qur'an, which remains the unique original message on earth in our century. It is free from distortion and is preserved in the same form it was revealed to Ahmed (PBUH). Thus, whoever believes in the Qur'an belongs to the religion of natural innocence, i.e. the religion of the whole mankind, the religion of Jesus, Moses, Abraham, Noah, and the Prophet Mohammed, the Seal of Prophets, May Allah's Prayer and Blessings be upon them all.

There exists a minimum modicum of ethics shared amongst mankind and preserved by nations, even by those which lost or rejected the Divine Message. Philosophers termed it natural law or human ethics. That shared modicum remains always appropriate to serve as the key to contacts between nations in various fields, the propagation and revival of sound faith included.

Due to industrial progress, European civilization witnessed an age of welfare. The intelligence and the genius of Western men with respect to the application of pure sciences and invention were of great benefit to mankind at large. As a result, civilized life has largely become similar for people all over the corners of the globe; contact has become easy and people on the verge of living as if in one single society.

After the technological progress it has achieved, the West--the origin of the fruitful civilized inventions--is plagued by a dangerous crisis, namely the threat to a basic human value handed down along history, i.e. "work", which is fundamental for life and whose connection to the making of living is a vital necessity and a great ethical value.

A review of recent history shows that the European peoples revolted against the lazy aristocracy which lived under Feudalism. At that time, nobles inherited wealth easily, whereas farmers did not receive a recompense suitable to their contribution to turning the wheel of life in society. However, the West is once again at the doorsteps of the same situation because of the rapid invention of machines that take the jobs of workers. In the past, the west imported human labor to develop its wealth and achieve happiness for its subjects who were teachers, instructors, and trainers and thus contributed to boost industrial activity. Yet, now it is starting to dispose of these workers. Worse, the specter of unemployment is looming over the natives themselves. Irrespective of the interests of labor workers, Westerners have invented "robots" which maintained the productive power of factories both in quantity and in quality. It even increased productivity without the need for human labor. Thus, an essential ethical and practical value is on the wane, namely the connection of earning one's living to noble labor.

This change took place piecemeal and carefully so as to prevent workers from supporting each other or raising their voices in the face of risks threatening their future. Furthermore, financial recompenses were paid to calm down the dismissed workers and make them turn a blind eye to the job opportunities that are being denied the upcoming generations.

Even drug companies and pharmaceutical laboratories which have a human and ethical mission along with their commercial and industrial roles, and whose slogans used to be the production sale of vital drugs for diabetes, heart disease, and blood pressure at cheap prices, while making up for the money lost through increasing the prices of luxurious items such as cosmetics, are beginning to lose these values in the face of competition and materialistic gains.

The Western industrial output is abundant in various fields. Industry and trade policy makers suggest only stop-gap solutions. To replace the decreasing purchasing power of their countrymen, resulting form the spread of unemployment and the like, they worked towards opening new foreign markets in the technologically and industrially backward countries. The purchasing power of these countries is itself decreasing day after day. In the light of the situation we have addressed in brief, we can say that the West is heading for a sure crisis, which is actually plaguing the West. Capitals and wealth will be concentrated in the hands of few people from the West. Yet, the overwhelming majority will suffer from a vacuum, from lack of ambition and from decadence.

Had some ethical values entered the fields of materialistic science and technological progress, they would inevitably have led to an improvement of the situation. If downsizing manpower will lead to lower prices (which is a shortsighted measure because cheap prices accompanied with a decrease in the purchasing power is synonymous with high prices accompanied with a stagnant purchasing power, if not worse), the reliance on robots may be suitable to big and complex goods such as buses, trains, and planes. It makes it easy to generalize them at reasonable and affordable prices. But the robot is not the right solution for goods manufactured by manpower and sold at reasonable prices. The decrease in the prices of these goods due to downsizing leads to the unemployment of a great number of people, whose purchasing will fall much below the level they were at when they were working. The difference between the goods manufactured by the robot and those made by manpower does not equal the difference between the weakness of the purchasing power and its good state. Buying a blanket, an electrical mixer or a battery manufactured by manpower 15 or 20 % more expensive is better than purchasing cheap robot-manufactured goods; by so doing one denies many a worker the opportunity to work. In both cases, one can afford to buy these goods. By buying cheap and robot-made goods, however, one will deprive his son in the future from the power to purchase these goods.

Subsidies that governments give to the unemployed do not solve the problems, but only temporarily pacify people and hide the real problems. Unemployment increases and subsidies diminish as is the case now in most societies.

This has been a summary of one aspect of the ethical vacuum raging in the West. We have incorporated it in the part on "Opinion and Faith" because it paves the way for thought and dialogue over the advantages of restoring greater ground for human, religious and ethical values. In fact had there been respect for the freedom of opinion and a spirit of democracy, the voices of the workers who protested against the continuation of substituting robots for human labor in modern factories would have been taken into consideration.

FREEDOM OF BELIEF IN A SOCIAL ENVIRONMENT

We have previously tackled the responsibility of the individual for the safeguarding of his faith before Allah the Exalted. People's relation to each other ought to be based on the guarantee of the freedom of belief. Allah the Exalted said: *"Let there be no compulsion in religion: Truth stands out clear from Error"*[69] and said: *"Say: The Truth is from your Lord: let him who will, believe, and let him who will, reject (it)"*[70]. He also ordered his Apostle to tell people: *"To you be your Way, and to me mine"*[71]. The Prophet (PBUH) recommended that the neighbors be well treated. He said: "Jibril kept enjoining me to recommend that the neighbor be well-treated till I thought that he would make him party in inheritance". He also said: "Whoever believes in Allah and the Day of judgement should be generous to one's neighbor" [72].

In this respect, many a matter is wrapped in confusion in the minds of non-Muslims. Because of their shallow knowledge of the precepts of the Seal of Religions, they were to believe that there is a dissension between Islam and the freedom of belief. In what follows, we shall give some examples.

1. Jihad and Freedom of Belief

A great number of non-Muslims believe that the aim of Jihad is to propagate Islam by the means of the sword. The truth of the matter is that, in view of the fact that Allah revealed his last message to mankind at large calling them to believe in the unity of Allah and giving them the freedom to choose of their own free will between faith and the harvest of its fruits and infidelity and its repercussions, it is logical to say that a clear knowledge of this message is a right of every individual. When he secures this right and gets acquainted with Islam, he can then make his choice.

With regard to people's circumstances, all societies fall into two categories: the rulers, who are few, and the ruled, who make up all the people of the world.

In the past, rulers got the upper hand over all matters. If a ruler got acquainted with the Seal Message and did not believe in it, he bans the advocates of Islam from entering his country. By so doing he confiscates the other's right to have access to a clear knowledge of the last message. In this case, the ruler infringes on the right of others. The justification for the armed fight, called "Jihad", in the past had been to break the back of the ruler so that

individuals could have access to their right to know the Divine Message and accordingly make their choice of their own free will.

This situation gave rise to many conquests. Yet, history does not report any instances when Muslims compelled anyone to embrace Islam. Indeed, history books contained facts about the Islamic State living in peace with Ethiopia because the Nevus, King of Ethiopia, sheltered the advocates of Islam and did not ban them from crossing his country to deliver the Seal Message. Although Ethiopia was and still is Christian, no wars were waged on it by Muslims on the pretext of Jihad(73).

Today, we are living in an age of openness, printing, publication, media and the Internet-- where greater and quicker contact is made possible, the times of journeys are reduced, and access to other cultures easier. Therefore, mankind's right to have a clear knowledge of the Seal Message requires Muslims--as middle-of-the-road-Umma--to communicate the message revealed in the Arabic language to mankind at large, no matter how different their languages may be. It is Muslims' duty also to concentrate the media clearly and extensively on all aspects of the Divine Message in order to succeed in delivering a thorough knowledge of this message to various nations. In other words, Muslims ought to make the divine Message available to mankind at large in different languages and via various media such as television, radio, publications, computers, Internet, etc. Allah, Exalted be He, does not require people to speak Arabic just because it is the language in which He revealed the message to His Prophet. But it is necessary that the language of the message should be directed at first to a human prophet who should not be denied his humanness. Hence, the language in which the message was to be revealed should be in a language understandable to the Prophet. In this respect, Allah said: *"We sent not an apostle except (to teach) in the language of his (own) people"*(74).

To accomplish this collective duty which falls on the shoulders of the Islamic Umma, the advocates of Islam ought to adopt a coordinated plan to communicate the Qur'anic message with all its contents to various nations taking into account local and international languages. By the contents of the Qur'an we do not mean piles of Islamic thought accumulated over the centuries. It is easy to stray from the essence of the precepts of Islam and its simple character. It is these which should be presented to non-Muslims. The essence of Islam resides in easy and limited principles revolving around faith in Allah, the

belief in His Prophet and the other prophets who have preceded him, compliance with Allah's injunctions and shying away from that which Allah warned against. This will avail man in this world and in the hereafter.

It is this easy understanding of Islam and its precepts that we mean by the contents of the message of the Qur'an. Easy and simplified principles such as charity (zakat) and its advantages and how to organize it so that it bears its social fruits, the prohibition of usury defined in terms that are intelligible to non-Muslims etc. It is not appropriate to convey the precepts of Islam to non-Muslims using huge books on Islamic economics which may raise the fear in the reader's mind that this religion will upset his society abruptly and swiftly.

The "Jihad" by the means of writings, culture and media is a collective duty(75) that falls to the Arabo-Islamic Umma in the first place and to the Umma that embraced Islam in the second place. Religious men should cooperate with those who jealously safeguard the right to know and the right to choose in order to disseminate a clear knowledge of Islam.

Allah Exalted be His Name said addressing Muslims: "Thus have We made of you an Umma justly balanced, that ye might be witnesses over the nations, and the apostle's a witness over yourselves"(76). Have you transmitted the message after him? Have you spared no effort in getting all peoples clearly informed of Islam?

Quite a few jurisprudence terms which exist neither in the Qur'an nor in the Prophetic Tradition developed out of Jihad. They were used by Muslim scholars as tools to express the strategic and political situations at the time. Examples are Dar El Islam (House of Islam) and Dar El Harb (House of War). These are expressions that can be changed and adapted to our modern age, which is characterized by the openness of cultures on each other. Contemporary Muslim scholars use clear terms such as the Islamic countries and the non-Islamic countries. The ancient expressions such as Dar El Islam and Dar El Harb do not mean that the principle of war is inevitable between Muslims and non-Muslims at large. To prove this, suffice it to mention the maintenance of peace with Ethiopia and the many Qur'anic verses attesting to that.

Allah wants that every individual chooses between compliance with the injunctions of Allah of his own free will or infidelity and the preference of worldly life to the hereafter. Allah said :. *"Let there be no compulsion in religion: Truth stands out clear from error "*(77). He also told his Apostle: *"Wilt thou then compel mankind, against their will, to believe!*(78).

The analysis of the conditions of the conquests at the time of the Prophet and his Companions show that these conquests were defensive. The two big states of that time--Persia and Rome--were enemies i.e. they posed a danger to the security of the Arabian Peninsula(79). If there were a ruler after this era who did not apply the Islamic precepts in his policy and thus waged war against peaceful nations or even against Muslims to win the seat of Caliphate or to make them surrender to his power, we must point out that the eras following the time of the Prophet and his companions contain advantages and disadvantages. Thus they must be looked at as any human historical period which should be subject to objective analysis in the light of the principles of the Qur'an so as to detect mistakes, excesses and deviations from the sublime principles of Islam.

2. Head Tax on Non-Muslims (Jizya) and Public Burdens

A shallow analysis of Islamic principles has it that Jizya (80) affects the freedom of belief. It is a sort of pressure to push people to embrace Islam so that they are relieved from this tax burden. The truth, however, is that Jizya is concerned with establishing a balance between Muslims and non-Muslims with respect to the funding of public duties. Although in ancient times, wars had a religious character, Islam did not compel a free non-Muslim subject living in a Muslim country, who in return for paying the capital tax, enjoyed safety and protection, to sacrifice his life for defending a religion he does not believe in. Yet, it falls to a Muslim to wage wars and sacrifice his life in defending his country, which is the country of the non-Muslim subjects living in the Muslim country as well. A tax, therefore, is the least that can be paid with a view to establish balance and equity(81).

On the other hand, the Jizya is paid so that non-Muslims do not give alms (Zakat). Besides, non-Muslim subjects are not deprived of its benefits. Moreover, Umar Ibn Al-Khattab authorized that alms be given to the needy infidel and the non-Muslim living in a Muslim country from the treasure-house(82). In modern terms, this is known as social insurance against incapacity, old age, illness etc.

From these two points of view, we see that Jizya is equitable and fair and does not involve any discrimination against non-Muslims. It was customary that the average of the amount of Jizya is lesser than the average of the sum of Zakat.

Although embracing Islam by a non-Muslim living in a Muslim country saves him from paying the tax of Jizya, it imposes on him the giving of alms

(zakat). The latter is a tax on Muslims' wealth, savings, and production when the share of an individual reaches a well-determined amount. None is exempt--whether they are old people, women, or children--except the poor. Al-Jizya, however, is a head tax imposed on young adult males who are sane in mind and capable in body. The non-muslim will, therefore, pay more than the amount of al-Jizya if he enters Islam.

Islam does not forbid a non-Muslim subject living in a Muslim country to participate of his own free will in wars alongside Muslims?[83]. While most wars waged are not fought for religious considerations, no obstacles block the ruler from treating Muslims and non-Muslims on equal footing with respect to military service.

Likewise, no discrimination should be made between Muslims and non-Muslims in paying all kinds of taxes. Thus we maintain the spirit of the equal sharing of burdens among all subjects, without mentioning Al Jizya which might incite rejection on the part of non-Muslims.

When 'Umar, May Allah be Pleased with Him, was a caliph, he sent a messenger to the Christians of Bani Taghlib to ask Jizya from them. They refused to give al-Jizya because of the injustice they felt as Arabs who entered Christianity before the advent of Islam and loathed being discriminated against. 'Umar then consulted with his companions. He could have compelled those refusing to pay it by force using the following verse as a reference: *"until they pay the Jizya with willing submission"*[84]. 'Umar was advised to request the Jizya under the name of alms (zakat) which is imposed on Muslims. As so he did. The result was that they paid more than what they would have paid had they accepted to give Jizya [85]. Let it be known that "with willing submission" (saghirun in Arabic) in this verse means the emphasis on the sense of obligation of the commitment whenever its conditions are met. It does not mean punishment, degradation or humiliation [86].

It is also rumored that the Islamic community admits only the People of the Book within it. This is incompatible with the freedom of belief. In fact, the term "dhimmi" (a non-Muslim living in a Muslim country) is derived from the contract of Dhimma, which is the peaceful co-existence between Muslims and non-Muslims in the same place. If situations in the past required that such treaties be concluded between Muslims and Jews and Christians, this does not mean that the principle of cohabitation concerns Jews and Christians only. Indeed some Muslim scholars enlarged the definition of the People of the Book

to include the adherents of Mazdaism and others because divine messages were revealed to all nations. In any case, divine messages were revealed to all nations. We are all from Adam no matter how different our countries may be.

It was narrated that some Muslims reported to 'Umar the news of a people worshipping fire. They were neither Christians nor Jews nor among those to whom a book was sent down. Umar was confused. then Abderrahman Ibn 'Awf said: "I attest that the Prophet (PBUH) said: deal with them as you would deal with the People of the Book" (87).

In conclusion, we invoke a logical proof. If Islam oppressed people or lured them indirectly or via different means such as making them pay Jizya, or exempting them from paying it in order to push them to embrace Islam and increase the number of Muslims, why didn't they do the same with respect to slavery? It would have been easy for the Prophet (PBUH) to decree that any slave who embraced Islam is free. Accordingly, the overwhelming majority of slaves would have embraced Islam with a view to win the most precious thing in life: freedom. Had not Muhammad been a prophet to whom the Word was revealed, he would not have hesitated in doing that because it would have been a strong and guaranteed means of increasing the number of his supporters. Yet, Allah, Exalted Be His Name, only wants free choice for his people concerning faith in compliance with the two principles of attracting and threatening mentioned in the Shariaa.

We have seen that divine law gradually moves society towards freeing slaves. It does not however entice them by giving them freedom in compensation for faith. This is incompatible with the principle of freedom between faith and infidelity. As part of the provisions of Zakat and penance, Allah ordained that slaves be liberated. Along the same lines, the Prophet prohibited trading in slaves or using them as gifts and the like. Thus, slavery was prohibited and was only permitted in wars, as tit for tat, i.e. if the enemy enslaves Muslim prisoners. Allah commands that a part of Zakat be allotted to liberating slaves. This is apt to free any slave in any place and at any time.

3. Punishment for Apostasy

Those who attack Islam on the pretext that it does not permit freedom of belief, because it metes out death as a punishment for the apostate, ignore the analysis and the details of the crime of apostasy. Allah said: *"And if any of you turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter"*(88).

The Qur'an contains no explicit verse which decrees that the apostate be killed. The Qur'an should be the primary authority in case of difference.

As for the Sunna, the Prophet (PBUH) said: "Kill whoever changes his religion."(89) The Prophet has been surrounded by a great number of faithful Muslims; amongst those who embraced Islam there was a group who did it only apparently, fishing for an available opportunity to shatter Muslim ranks and sow disputes. They even built a mosque and made it a venue for their conspiracies against Muslims with the aim of communicating information to the enemies of Islam. Allah, the Exalted, said:

"And there are those who put up a mosque by way of mischief and infidelity--to disunite the Believers--and in preparation for one who warred against God and His Apostle aforetime. They will indeed swear that their intention is nothing but good; but God doth declare that they are certainly liars" (90).

These were the spies and traitors of their countries who acted in secret. They posed a great danger. No political scientist in our time--in no country no matter how developed it is--dared to criticize the position of the Prophet (PBUH) in spoiling the plots of these traitors. This matter had nothing to do with the freedom of belief. It was high treason and hypocrisy.

After the death of the Prophet, the danger of the apostates came to the fore. They openly declared apostasy and attracted some supporters around them.

In compliance with the instructions of the Prophet (PBUH), Abu Bakr, after consultation with many people, commanded that war be waged on the apostates. This war left thousands of Muslim martyrs so much so that historians could not count their numbers(91). No one could blame a ruler working for maintaining order and security in his country, especially that people do not have the same degree of faith. Some of them were intellectuals and scholars, while others were illiterates. When hypocrites holding high ranks in society use despicable means to delude those whose faith was weak, or those who were not well versed in religious culture, and who blindly imitate the others--such as craftsmen and the lower strata of society--, it is the ruler's duty to defend them and preserve the degree of faith and good values they gained, and not to leave them prey to the machinations of hypocrites.

Do not civilized men nowadays revolt when they see a candidate buy the votes of villages and neighborhoods with his own money, taking advantage of these poverty-stricken people and scheming to impose his power on them by the means of money? What is the difference between these and those?

Should we consider the passage in which Averroes summarizes the opinion of Muslim scholars about the apostates in his book, Bidayat al-Mujtahid wa Nihayat al-Muqtasid, we would know clearly what kind of apostasy Islam protects us against in the Islamic community and the severe punishment Islam metes out against its perpetrators. This is similar to a twentieth-century nation trying a spy or a fugitive from the national army who fights with the enemy. Averroes says: "Muslim scholars agreed that if a male apostate is captured before he started fighting, he is condemned to death. This goes in accordance with the saying of the Prophet (PBUH), 'Kill whoever changes his religion.' They disagreed, however, on whether the female apostate should be given the chance to repent before her execution."

The majority of Muslim scholars are of the opinion that she should be executed, whereas Abu Hanifah argued that she should not be killed and he put her on equal footing with the authentic infidel. Public opinion adopted the opinion of the majority...

If the apostate did fight and was defeated, he should be instantly killed without being given a chance to repent--it does not matter if he was fighting in Dar El Islam or after he had joined Dar El Harb--except if he declared his Islam. According to Malek, if he did, he should be treated like an enemy in the sense that his past deeds should be forgiven . . ." (92).

The discussion is mainly centered on the separatist joining the enemy. Is there a society which does not mete out severe punishment for anyone who commits such an act? How merciful are the Muslim scholars! They pushed the door wide open for mercy. Thus, the apostate is not punished for any of his actions if he enters Islam. The same is applied to an infidel fighting in a religious war: if he embraces Islam after his imprisonment, he is released. Is there a country in our century whose laws stipulate that the separatist be pardoned or the infidel spy be released after his arrest?

Is high treason allowed on the grounds of the sacredness of the freedom of faith and opinion? Treason is a mean act even if the traitor gives excuses. Faithfulness to one's mother country is a sign of the nobleness of heart that characterizes people no matter how different their religions are.

Many writings in the field of jurisprudence were written at a time when conditions did not help to differentiate between apostasy (emanating form hypocrites and infidels) aiming at sowing disputes, and individual apostasy

based on conviction and which does not aim at jeopardizing security or destabilizing public order.

When confronted with a situation like this, we should consider **the conditions of individual apostasy, taking into account the following considerations**:

1. If **the apostate is born Muslim**. The commendable attributes of Islam that the Muslim inherits should not set him in a worse situation than that of the denier of truth who refuses to convert to Islam when asked to do so and is allowed to keep his own beliefs which he could reconsider at any time all throughout his life; while the former is denied this life chance. He, unlike the denier of truth, is sentenced to death because of his apostasy. (93)

2. If **the apostate shows, just after his conversion to Islam**, signs of deviation characteristic of those who belong to Islam by birth and name only. In fact, the new convert judges religion through the behavior of people and the extent of their seriousness in abiding by the commandments of Islam. He who apostates in this manner may not intend by his apostasy to harm Muslim society ; any change in his belief is only a change of point of view; it is a simple return to former beliefs.

3. If **the apostate is a teenager** (13-18). At a young age and before they reach maturity,(94) many teenagers feel confused and skeptic about the surrounding social values and therefore develop a feeling of suspicion toward religious values too. This category of people should not be exposed to psychological troubles that they may undergo in fear of possible punishment because of ideas or assumptions not yet matured at such an early age. At this age , they need advice, guidance, school and parents' orientation; they are likely to change and correct their ideas easily. After this critical period of life characterized by immaturity and skepticism, many teenagers regain their faith with more confidence and stability. The age of adolescence is an age identified by the dialogue between the spontaneous minors and those who reach maturity. Most of our predecessors defined the age of maturity and responsibility in relation to the age of puberty (usually between 13 and 16); while others extended immaturity, subject to tutorship, especially if it is decided by the judge, beyond this age. The said estimation should not be taken as a final rule. Standards change from one person to another and from one

generation to another, in particular because our predecessors related maturity to puberty rather than to age. Puberty, indeed, differs from one person to another and with respect to the social and environmental conditions of the country at hand.

Therefore, if apostasy at this early age is penalized, **dispute and discord would be encouraged between the last and the next generations**. The father would not be compassionate with his son nor would the brother with his own brother, nor would the friend with his own friend, if they think that by bringing him to trial they are complying with the commands of religion. They ignore the fact that the Almighty Allah accepts repentance at any time before death. Allah said: *"And if any of you turn back from their faith and die in unbelief, their deeds will bear no fruit in this life and in the hereafter"* (95) . Allah establishes a link between retribution and death in case one dies infidel. Repentance is acceptable before death. Why should the teenager be penalized while still young.

4. Apostasy has many evident and clear forms such as the refusal of the Muslim to acknowledge the existence of Allah or that His messenger speaks the truth. On the other hand, it has other **multiple implicit representations and meanings** classified under the big heading of the rejection of what is known of religion out of necessity. In this respect, religious scholars have brought up many examples such as the denial of prayer, charity, and fasting for Muslims. Most scholars make a difference between one who refuses to acknowledge these religious duties and one who recognizes them but does not perform them out of idleness or dereliction. The first is considered an apostate while the second is considered a disobedient person.

The possibility to hold one's tongue and to accurately express oneself at the time of writing or speaking in accordance with the terms of jurisprudence is only possible for those who dispose of a high level of culture. However, laymen with low cultural level, do not possess sufficient cultural background to be able to use accurate vocabulary in conformity with the special language of the scholar. Thus, it may seem from the expressions of some people that they deny that the prayer is obligatory. Yet what they mean is that Allah is gracious and this grace may be attained even by one who intentionally does not perform his prayer out of idleness and dereliction. No one would expect laymen to have a deep knowledge of the terms of Islamic legislation or claim that they should be

obliged to have such a knowledge. The only way to do so is through awareness and education campaigns. Could anyone who lives in an environment of illiteracy, unemployment and poverty distinguish in his expressions between what is prohibited and what is just reprehensible, and between what is obligatory and what is recommended? The layman usually uses the term prohibition to mean reprehension and so is the case with the other two terms[96]. **We expose these people to dissension by permitting them to accuse one another, to sow doubts on each others' faith, or to bring each other to justice.**

If it is argued that since a court can honestly decide the innocence or the guilt of the person charged and, therefore, there is no harm in having recourse to justice, there should be no want of a clear reply to such a superficial vision: in addition to creating disputes and hatred among people, the likely rise in the number of these lawsuits will most probably weigh heavily on courts' activities. Needless to say that the majority of these lawsuits will be devoid of the contents of apostasy and that the defendants will soon be acquitted. The overall result, then, will be a waste of energy, judges having to investigate every allegation; a waste of money, the accused having to pay for his defense; and a waste of the defendant's time as he devotes himself to prove his innocence from an unjust defamatory allegation instead of earning his living.

It should be remembered that biased lawsuits and untrue complaints are very common in some societies. The accusation of apostasy among individual laymen increases the number of biased complaints. The outcome is an overburdening of the duty of the security agents and judges who have to investigate the case of someone, who, for instance, was seen by witnesses praying in the opposite direction of the Qiblah (Kaabah), or another one who is seen by eyewitnesses praying without having done his ablutions. Even if neither the plaintiff nor the witnesses are lying, the judge has to make sure whether such an act was done deliberately, unintentionally or out of oblivion and neglect. Given that the official in charge of hearing these complaints can distinguish at first glance between what is apostasy and what is not, why overburden him then with hearing and reading that huge number of complaints.

The conviction of illiterates and ordinary people of good faith should be banned in this modern era which is characterized by the ignorance of one's faith while still believing in Allah and His apostle. The Almighty Allah does not accuse people of infidelity if they neglect their duties; He accuses them on the basis of their mistrust and evil thinking. He later judges them in terms of the degree of disobedience which either increases or decreases with respect to the environment of each individual separately.

The issue is very specific, and we have dealt with it in length because of what is happening currently in some Islamic countries wherein the intervention of the law and the settling of such issues is reported by mass media. **Advice is in order here**:

Many a member of the prosecution as well as judges in many Islamic countries are graduates of the Faculties of Law who are not specialized in the field of Islamic Shariaa, so they look for assistance from those specialized in the field of Shariaa with respect to the cases in question. The reputation of the accused is harmed all along the proceedings until the case is settled by Law. The accused suffers from suspicious looks from even those close to him until the moment the court declares his innocence or his guilt.

To keep oneself safe from the pangs of conscience we have to abide by the following:

- there should exist **a clear article of Law** in Islamic countries that determines precisely the conditions whereby such cases of apostasy are taken to law.

- that each Islamic country has **a committee presided over by its official Mufti** and having as members Islamic scholars and high level expert judges.

- before initiating law proceedings **and at the first phase of making the complaint**, if the prosecutor sees that the matter is a case that leads to the creation of discord, trouble and confusion among ordinary people or among the educated or any other social group, the committee should intervene in order **to give a preliminary point of view about the accusation** as it is expressed in what the accused has said in a lecture he may have delivered or an opinion he may have written. The committee shall then decide whether or not what he said or what he made should be identified as apostasy.

- If **the committee unanimously** decides that what this person says or thinks carries the meaning of apostasy, the concerned judicial body should go on with the procedures of judging him. However, if there is someone in this committee who does not agree with the opinion of the other members, the matter should not be presented as a case of apostasy to be prosecuted. Nevertheless, the prosecution could present the case to

court if it sees that the opinion or the act of the accused implies another transgression of the law.

- The court should be made up of **an odd number of more than one judge**--at least three. It should also mandate **at least a three-scholar consultative body** to attend all the hearings so as to assist the court with its advice. Punishment should be meted out only when the culprit's intention to sow disputes and lead people astray is established. Yet, when he carries out such acts out of ignorance and has no bad intentions, he should be excused.

- **The judiciary procedure with respect to this matter should be of two degrees. If the final verdict condemning the accused is pronounced, it should be referred to the above-mentioned committee** to unanimously adopt it; if no unanimous adoption is reached, stay of execution should be applied.

- All the proceedings and stages of **the trial should be kept out of reach of the media**. Only the person accused, the defense and those authorized by the court such as witnesses can attend. No news of the process of hearings should be diffused in order to save the reputation of the accused person until the verdict is pronounced.

- **Punishments should be severe with respect to defamatory lawsuits, false claims, and perjury.**

We think that it is of great importance to tackle such issues because they require that a strict balance be established between the interests of the individuals to save their reputation and honor within their society on the one hand and the public interests of the Islamic community on the other. When we suggested that such issues should be discussed, we have also in mind the serious repercussions resulting from such matters as the distortion of the image of Islam within the international community.

FREEDOM OF THOUGHT AND THE RULES OF DISCRETION (IJTIHAD)



Freedom of thought is innate to human beings. Man is free to think, as he wants. However, his thought does not start from a vacuum but is based on existing data around him, the most important of which are the thoughts and the beliefs of others. All forms of human thinking are inextricably dependent on each other. Even inventions were not made from anything, but are the fruits of an accumulation of a cultural heritage made up of the others' ideas and particular meditations.

A human being is undoubtedly free to say or write whatever he wants on the condition that this freedom be shared with the other members of society. In all societies, freedom requires that the individual concede some of his absolute freedom by putting himself in the shoes of the others. He should not hurt their feelings in order not to be hurt in turn. Thus, the principle of maintaining public order and rules of conduct is developed in societies. Systems differed, though, as to the meaning of this principle, which does not give the individual the right to belittle the others' freedom. One should not call people names, nor violate their privacy nor desecrate their beliefs in the name of freedom.

In this context, we should deal with two important issues here:

1. The discretion of scholars

2. The stimulation of discretion in Islamic Studies

First: The Discretion of Scholars

Linguistically speaking, discretion (ijtihad) derives from juhd i.e. effort. The thinker makes efforts, the worker makes efforts, and so do the farmer and the student. Everybody makes an effort in his or her field of specialty. Discretion is the most outstanding feature of the freedom of formulating and giving an opinion in the field of science. This term is excessively used in the field of Arabic culture to denote the acts and opinions of Muslim scholars and researchers in Islamic sciences. What is of importance to us in this study are the aspects of discretion around which some problems arise, on which we would like to shed some light.

Since our research is directed to the non-specialized educated person, we shall start by simplified expressions while doing our best to shun specialized terminology and new as well as old jurisprudential terms. Thus, we can divide those studying Islamic law from among Muslims into three categories: scholars, researchers, and students. Then come ordinary people.

*Scholars start with the four Imams and their like and then gradually go to those who make discretions in one particular doctrinal school and do not waver from the rules of discretion set forth in their own school. Those scholars gave their opinions on the basis of the foundations of Islamic jurisprudence. This does not necessarily mean that their fetwas in any topic should differ from those of the others.

*As for the researcher, he is from our point of view someone who possesses the scientific means enabling him to make the same analyses based on the foundations as scholars do, and does not go beyond his own specialty in the domain of Shariaa. He differs from the scholar in that his efforts do not entitle him to generalize the depth of his knowledge in a balanced way between the various aspects of Islamic legal sciences. Both are practitioners of discretion. The researcher's fetwa is of great worth because he is a specialized practitioner of discretion. Scholars authorized specialization in the field of discretion, which comes now very handy because we live at present in an era of specialization. In the past, the scholar was versed in various branches of Islamic law; even within a specific doctrine, he knew of the differences between his school of thought and the other schools. If a scholar is asked to give his opinion about a matter and he does not know the answer, it is deduced from his response that the matter is new to most contemporary and past scholars.

The researcher says that he does not know the answer with regard to the issue he had not deeply probed even if scholars and specialists of jurisprudence already discuss the issue at stake. He is nonetheless obliged to say "I don't know" or "give me time to look for the answer" and then starts searching and making discretions.

Specialization in discretion is permitted. Indeed, the practitioners of discretion have existed throughout all periods of Islamic history(97). As for scholars, they have always constituted a relative minority, which increases or decreases according to the specific context of each society. But they are not few. Nowadays, compared with the great number of Islamic countries, they remain very few.

In the past, a scholar was awarded a graduate diploma by older scholars. He then establishes his fame and gains renown not only on the basis of that recognition but also as a result of his wide knowledge of legal Islamic sciences.

Today, specialized graduate diplomas in Islamic law are awarded by institutes and universities: a bachelor degree in the study of the Prophetic Tradition, another in Islamic jurisprudence, and yet another in the foundations of Islamic jurisprudence etc. With time, a scholar who has got an outstanding knowledge and is versed in various Islamic legal sciences can emerge out of these graduates, generally after a long time has elapsed.

Scholars are scarce in our time whereas the number of researchers or what we may call "specialized scholars" has dramatically increased. It is an innocuous phenomenon given that most issues raised pertain to a specific field of specialization. No specialization is yet without its scholars or researchers.

All disciplines in our day have been divided into specializations. In fact, some of their branches themselves have in turn fallen into further specializations.

* Students are those who are in the process of learning but have not yet obtained a bachelor from a university or from one of the scholars, depending on the tradition of each country.

* Next we find the category of people who are either thirsty for knowledge or striving for debates. We can include in this list Muslim and non-Muslim readers and listeners.

The right to ask questions and raise issues is guaranteed for every man no matter who he is. His freedom to hear from anyone is also guaranteed. Yet, in most societies, common sense is that the closest answers to truth is one of those given by scientists and specialists.

In Islam, the divergence between Muslim scholars clearly shows how this tolerant and lenient faith guarantees the freedom of opinion and expression. This divergence, however, is not about what is wrong or right but constitutes a manifestation of various praiseworthy perspectives that positively affect society. The ruler can on the basis of these doctrinal opinions change and amend laws that govern society.

Allah's prophet (MABUH) is reported to have said: "If a leader ruled, used discretion and was in the right, he his rewarded twice. If he ruled, used discretion but was in the wrong, he is rewarded once" (100). Indeed religion does not put any obstacles to the freedom of thinkers to express their opinion. It is they who have set up scientific principles to be met in order for every opinion to be credible and trustworthy.

The divergence in Muslim scholars' views affects also individuals longing to entrench the principles of religion in themselves and their life, which is exposed to the changes of time.

No doubt, discretion based on Islamic principles and laws is the light that shines in every corner. It does not change the content and the spirit of religion but it modernizes the discourse and the persuasion methods and makes the practical implementation of Islamic laws smoothly in line with the numerous changes occurring in our modern context.

The continuity of discretion is what guarantees respect for the principles of Islam all the while protecting society from unrest and turbulence. It also ensures the establishment of international relations based on cooperation and peace between the Islamic Umma and other nations, especially that most Islamic societies are not keeping abreast with scientific and technological progress that Islam champions. Discretion also opens new horizons for further laudable alternatives that stimulate the Islamic identity of society. Hence the need to tackle some practical problems that inhibit lawful and praiseworthy discretion from fulfilling its important role.

Second: Enhancing Discretion in Islamic Studies

The practitioner of discretion in Islamic Sciences is a thinker who bases his opinions on the fundamental criteria of Islam. The latter are taught in Islamic faculties, religious institutes and some faculties of law as part of a subject entitled the Roots of Jurisprudence. Yet, up to now, this subject still uses archaic terms that are largely out of date in today's courts. Furthermore, it is more centered on theoretical knowledge; the student learns the subject by heart so as to reproduce it in the final exam.

As a consequence, the information acquired soon evaporates from the mind of students. Also, except when they are extremely brilliant and obtain an M.A or a Ph.D. in Islamic jurisprudence and its fundamental sources, students are rarely sufficiently trained to think in terms of the fundamental sources of jurisprudence. As for other graduates, the theoretical knowledge gradually dies away with the passing of time.

One day, I happened, to meet some fourth-year students from a famous Islamic faculty on the occasion of the preparation for a colloquium with Western visiting professors. To have an idea of these students' knowledge of the

fundamental rules of jurisprudence, I asked them for the meaning of Al-Istihab. I was surprised to see one student--and they were -four hundred-- raises his hand while another was hesitating. I thought them unwilling to answer because the question was simple. But I was shocked a second time when the answer given by the one student who raised his hand was completely wrong. What he explained was not Al-Istihab but another term. As his answer was replete with memorized, archaic words, some students believed they remembered the right answer. Two of them, then, gave me faulty answers. I stopped at that stage and inquired how it could be possible that after having taken the course of the Sources of Jurisprudence every year and passed the exams, they were unable to provide the appropriate answer. The reason behind their oblivion, they said, is that they are taught a dual program consisting of both an Islamic doctrine course and a positive law course. That answer proved to be not satisfactory to me. Were the matter like that, I said, they could well have forgotten the subject of "Introduction to the Study of Law", which tackles the principles and the roots of positive law and taught only once in the first-year. When I asked them about the rule concerning the validity of law in time, they all confidently raised their hands(99). The question therefore was not as much due to the multitude of subjects taught in the Faculty as to the fact that the course, "Sources of Jurisprudence", is lacking in modern terms--in addition to the old ones which currently represent the scientific terms of the course--used nowadays in the modern lexicon of Islamic jurisprudence, law and the judiciary. If the definition of the validity of law in time is easily understood and remembered since its content is clearly expressed even in its title, the term Al Istihab means the validity of Islamic judicial decisions in time. Why then, not explain it that way and give it a secondary title or put the new title between parentheses next to the old term, then explain its meaning in a simple way so that the subject would be easy to remember.

When I teach a student that a bottle is a container having some specific characteristics, he learns that information by heart and passes the exam. After that, if the word "bottle" is not frequently used by people close to him, he gradually forgets its meaning; prior to next year's exam, he asks himself the question and again looks up the answer and succeeds; then he forgets another time and so on and so forth. In fact, were he to learn several synonyms of a term, some of which used in daily verbal intercourse, the pace of forgetting would be much slower.

Also, a program for Islamic Studies students in universities must be set up to enable them to use the concepts learnt in the Sources of Jurisprudence in field

surveys and research projects that tackle current problems. The survey must be carried out under the supervision of their teachers so that the students would constantly recall the information they learnt when approaching any given issue.

In graduate programs, besides continuing to train students to apply the concepts of jurisprudence in practical matters, it is advisable to teach that subject in a comparative study course that includes the origins of law. Two specialized professors would teach that course, each of them relying in their lectures on the same book[100]. In fact, drawing comparisons between these subject areas will enable students to make a distinction between concepts that have been for a long time a source of confusion like the concepts of Islamic Shariaa, Islamic Jurisprudence and Islamic law. Such knowledge will qualify them, in the future, to clarify the ambiguities in people's minds about the practical solutions stipulated by Islamic teachings.

In the absence of such practical programs that stimulate student's thinking in accordance with exact parameters, the number of people able to produce sound discretionary opinions in application of the rules of jurisprudence remains very small--usually those who have managed to continue their studies and obtained the highest degrees (doctoral) in the field.

It is deplorable to see so many people explaining Islam using only a discourse that rarely avoids repeating what their precursors have already said. They fail to understand that in many of the topics they tackle and give opinions on--although the vocabulary used remains virtually the same up to now--some issues need revision as time has produced different situations and conditions that are worthy of reconsideration. These topics need discretion and must be dealt with in accordance with a modern approach that highlights ways of rectifying them in the light of Islamic legal rules. Were the scholars of the past alive today, they would have certainly provided us with praiseworthy discretions on such issues.

One of the simplest examples is that of the marriage contract. In today's Islamic societies, there are two names for the marriage contract: official marriage and customary marriage. This distinction was unheard of in the past just as publicizing the news of the marriage is nowadays (in notary offices and registration books) different from what it was in the past. Customary marriage is nowadays widespread, especially in big cities. It mainly serves to keep a marriage relationship secret, to allow adolescents to marry without their parents' consent; or to trick a girl who refuses to commit adultery.... All these cases lead

the parties concerned to assume heavy responsibilities especially if a child is born out of a relationship of this kind. In a marriage of this kind, the married couple can separate without a divorce. Their relationship may not be thought of as existing or as having ceased to exist given that it is difficult to prove that divorce has been uttered. These are some of the problems that are brought to life in the light of considerably changing circumstances.

Divorce after an official marriage frequently takes place by the uttering of a word even in the absence of witnesses. The woman preserves, however, the status of wife by virtue of the official marriage certificate. No one would believe her if she said that her husband divorced her by simply uttering a word--that she was irrevocably divorced from him after the end of the Iddah (the waiting period)-- while the husband had neither the moral uprightness nor the courage to declare the divorce and acknowledge it before a judge. The judge investigating the issue would face a real dilemma trying hard to find evidence. Law in many Islamic countries does not punish this man for the problems he may have caused by abusing his divorcing power and oppressing others. In fact, the divorced woman may be severely punished if she marries another person on the basis of her status as a divorced woman who has fulfilled the period of the Iddah or who has been irrevocably divorced from the very beginning--she may be punished because she remains unable to prove her divorce. Nobody would sympathize with her because her statement lacks evidence and her husband shirks the law. In fact, no legal text in many Islamic countries stipulates that the divorce should take place before a judge or a witness. No clause in the law requires that when divorce is made in the absence of a judge or witnesses, the husband would later declare the divorce in an official register or before a judge within a determined period of time. Where do law and justice stand then before such a fundamental and critical right of a divorced woman? Can the practitioner of discretion state that the woman must keep silent and accept the cruelty of the husband?

If the practitioner of discretion uses the rules of jurisprudence, he can make a difference, defend the oppressed and ask rulers and judges to intervene, showing them the way.

If the origins of jurisprudence compel the practitioner of discretion to search for solutions in the Qur'an[101]. Allah says in the second verse of Surat Attalaq: "Then when they fulfil their term appointed, [meaning if the Idda has ended after the divorce] either take them back on equitable terms [live with them in good manners if you have resumed your relationship with them before

the end of Idda (in the case of revocable divorce)] or part with them on equitable terms; and take for witness two persons from among you, endued with justice, and establish the evidence (as) before God" [and attest to the resumption of the marital relationship or for separation.]

Does not this verse clearly forbid the leaving of wives in abeyance? Why is there no law that punish the husband for not declaring officially the divorce that has taken place away from the eyes of justice and the notarial section of the court?

FREEDOM OF OPINION
IN POLITICS

Islam, as it is spelled out in the Qur'an, is a flexible religion that can live and flourish in all societies. In the field of politics, its flexibility is such that it will be extremely difficult to define it in terms of just one particular human theory. In fact, Islam allows society to benefit from all useful political theories and schools of thought.

Allah ordained the practice of Shura (the rule of consultation) *("[those] who conduct their affairs by mutual consultation"* (102). The concept of the Shura is clear and understood in every society and every culture. It means deliberation on issues and avoiding that one individual monopolize the process of decision-making. Shura, then, constitutes a general framework that encompasses the concept of democracy as well as other theories. Democracy requires people to express freely their opinion of the ruler, of the way they are ruled and of how laws are passed. The opinion of the majority of people is the one to be adopted and followed(103). Democracy is therefore one aspect of Shura.

Shura is, however, a concept that is larger than democracy. The Orthodox Caliphs ruled according to the principles of Shura in a way that differs from the modern practice of democracy represented in parliaments and elected bodies.

We can say that discretions in the field of government and politics, based on the comparison between Shura and democracy, are mere human views. The attribution of these views to the Qur'an by way of interpretation must be seen with a critical eye so that people would not confuse human opinion, which is subject to change and alteration, with the divine principle, which is immutable for ever because of its truthfulness, exactitude and flexibility.

A similar approach should also be adopted with respect of the Sunna of the Prophet (MABUH). Although the Prophet received Allah's revelation and ruled according to His orders, he used to take counsel from his companions. Allah, Exalted be His Name, said about repenting disobedients: "So pass over (their faults), and ask for (God's) forgiveness for them; and consult them in affairs (of moment)"(104).

POWER IN THE FRAMEWORK OF LEGITIMACY

The principles of Islam as incarnated in the Qur'an and the Sunna are crystal clear. The Qur'an made it compulsory for Muslims to run their affairs in consultation with each other while the Sunna imposed strict obedience of the ruler except in cases of offence to Allah, for no one should obey an Allah-offending person. The Prophet (PBUH) said: "Any servant entrusted by Allah to assume the commands of a people who dies while cheating his people is banned from entering paradise". Muslim reported in another version that the Prophet said: "Any Emir who assumes the rule over the faithful and yet does not make discretion nor seek advice will not be admitted to paradise"[(105)].

All these are general indications as to how nations should be run. They are open to people's opinions and viewpoints that change from one society to another. Divine wisdom had it that Allah did not devise a detailed description of how to elect the ruler and the manner of changing power. He left it to the decision taken through the process of Shura. The Prophet (MABUH) died without appointing a successor[(106)].

The wisdom behind that resides in the fact that the nations of the world live in circumstances that differ from a country to another and that are in constant change. The nature of Allah's Message to people makes them undergo an on-going adversity that transcends all considerations. Allah says: *"Do men think that they will be left alone on saying: 'We believe' and that they will not be tested"* [(107)]. Thus, we find democratic nations whose democracy has pushed them to exclude every religious principle from politics. At the same time, history saw the entry of many nations into Islam thanks to their kings.

For this reason, Muslim scholars do not indulge in such details because the message of Allah speaks to all nations regardless of their forms or systems of government. Allah, the Sublime, says: *"We have not sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not"*[(108)]. If a country embraces Islam under the rule of a monarch, which is based on Shura and devoid of tyranny, there is no doubt it will receive the blessings of Heaven. If it remains a democratic country but goes astray from Allah's path, it is a democracy of no avail in the eyes of Allah and will not be considered a form of Shura that Allah wants people to enjoy.

The principles of Islam can easily be assimilated in different countries. In the Qur'an, Allah gave us the examples of many ruler kings, some of whom

were prophets like David and Solomon, and others were non-prophets such as the Queen of Sabaa, or those who were rulers but not kings like Muhammad (MABUH), the guide of humanity.

We shall only briefly talk of the rule of prophets to show that though the latter were in need of Shura as they had easy contact with Allah, the King of the Universe, they nonetheless sought advice in worldly matters. David asked for Solomon's advice and help: *"And remember David and Solomon, when they gave judgement in the matter of the field into which the sheep of certain people had strayed by night: we did witness their judgement*[109]. The meaning of "their judgement" in its plural form (hukmihum) and not in its dual from (hukmihuma) is that they took counsel from others in dealing with these issues. The Prophet King Solomon also spoke with his soldier, named Al Houdhoud, who did not come on time. The latter told him of an infamous matter, namely that the Queen of Sabaa and her people were worshipping the sun and not Allah:" *'I found her and her people worshipping the sun besides God: Satan has made their deeds seem pleasing in their eyes, and has kept them away from the Path--so they receive no guidance"*[110]. The king then refrained from punishing his soldier and sent him to these people. The Prophet Muhammad (MABUH) also asked for his companions' advice on important matters with a view to encourage them to express their opinion. The decision to fight in Badr (the battle of Badr) was a perfect embodiment of the prophet's consultations with his companions[111].

As for rulers who are not prophets, Shura constitutes a life belt both for them and for their people. The Qur'an relates the story of the queen of Sabaa who deliberated with her advisors on the issue of Allah's prophet, Solomon: " *(The Queen said: "Ye chiefs! Here is--delivered to me--a letter worthy of respect. It is from Solomon, and is (as follows): 'In the name of God, Most Gracious, Most merciful: Be you not arrogant against me, but come to me in submission (to the true Religion)"*[112]. The decision taken was to obey Solomon if he is proven to be Allah's prophet and to fight him if he was an imposter. The stratagem to be used to find out the truth of Solomon was then devised. After they found him to be a true prophet they followed him and escaped punishment thanks to the process of Shura.

Qur'anic stories analysts differed as to whether Belquiss (the queen) had after her conversion to Islam continued to rule over Sabaa. The story of Solomon and the Queen of Sabaa in the Qur'an stopped by the time she and her people embraced Islam. The logic of the Qur'an, however, leads us to think that in all likelihood she continued to rule over her people since she adopted the

principle of Shura and abstained from taking decisions by herself. Allah approves of this pattern of rule when he says: *"who (conduct) their affairs by mutual consultation"*(113). Thanks to Shura, Belquiss and her people became Muslims and escaped punishment. In other verses, Allah, the Exalted, promises infidels more power were they to believe and be faithful . The Prophet Hud said to his people *"And O my people! Ask forgiveness of your Lord, and turn to Him (in repentance): He will send you the skies pouring abundant rain, and add strength to your strength: so turn you not back in sin!"* (114).

The objectivity of the Qur'an is so clearly manifest and idealistic that the religion of Islam can easily be assimilated in all forms of government. It is objective both in the system of government and in the choice of the right ruler. If this objectivity is observed , righteousness and probity, which are highly desirable in a king or president, will follow. The Prophet (MABUH) said: "Listen and obey even to an Ethiopian slave whose head is as dark as a raisin!" In another version he was reported to have said: "Even if a slave is chosen to rule over you on the basis of Allah's book, do follow and obey him!"(115).

While in the story of the Queen of Sabaa, the Qur'an portrayed the Shura in its simple manifestation, which is the consultation of the ruler with his advisors, in other verses the practical dimension of Shura appears to be much larger. Allah, the Perfect and the Majestic, says: *"who (conduct) their affairs by mutual consultation"*(116), meaning that it has be part and parcel of people's lives with respect to all their affairs.

Shura has many facets just as forms of states are diverse. The closer, however, a system of government gets to Shura, the more developed will the nation under question be. Shura, in practical terms, means the gathering of many individuals to ponder on a given issue, every one of them giving his own opinion. The result would be one of the following:

- All viewpoints being the same, one collective opinion is formulated out of these individual viewpoints.
- Opinions diverge; therefore, the rule of the majority is applied.
- Opinions are diverging but there is a tie in the votes. Two solutions: a) preponderance is given to one party; b) voting is carried out once again.

The above rule applies when there is a need for a decision based only on one opinion amid many. If the decision concerns a parliamentary representation, then all tendencies have to be respected and the seats will be distributed in proportional manner.

Western society has realized the efficiency of this concept and has used it in various domains, such as the election of government, the setting up of a panel of judges to deliberate on a single lawsuit --so that the voice of the majority carries it in case of failure to reach a consensus--, in the passing of laws, and in administrative decisions. All of this is included under the heading of democracy; but it does not mean that the West has produced concepts that are stranger to the content and spirit of Qur'an. In fact, it is the content and the meaning that matter and not the name or label it goes by. Each society has its own distinctive language and terms it uses to express the content of concepts and principles. Now, ever since its first days, humanity knew well the meaning of Shura. The Qur'an pointed to the necessity of adopting this practice because of the benefits it yields.

A sound man should not judge a religion by considering the history of societies only. In fact, many societies have in the course of history deviated from the path set by their prophets immediately or long after the death of the latter. Even books written by priests and thinkers are different from one another and are not of much help in introducing ordinary people to the core of divine religion. A clear understanding of Islam and its principles and a rectification of the misconceptions about it depend on the existence of an immutable, well-kept reference, a divine message quoted from the Prophet in the language it was revealed in. This language has to be still alive today so that people could understand the message of the original text. In truth, humanity now possesses the Qur'an as the sole divine reference useful for settling differences concerning religion, Allah and the other world. Its old manuscripts are still available today. They were written by the companions who quoted the verses directly from what the Prophet said; they then gathered them in book form during the reign of 'Uthman, (MABH).

When Allah says that he would protect the message, *"we have, without doubt, sent down the Message; and we will assuredly guard it (from corruption)"*[117], it is not a promise to preserve a true Islam in the hearts and minds of people. What the verse means is that Allah wants to preserve an authentic and complete divine book to serve for people as a reference and arbitrator in cases of difference.

*** The Succession to the Prophet**

After the Prophet's (MABUH) death, the Muhajirun (the migrants) and the Ansaar (the supporters) met in al-Madina, the capital of the Islamic state at the

time, at the Shed of Bani Saida to choose a successor to the Prophet. People discussed, debated and argued. Then, it was decided to choose Abu Bakr Assiddiq, (MABH). The decision was not unanimously adopted but it was the opinion of the majority. The people were unanimous in declaring allegiance to Abu Bakr[118].

When 'Umar Ibn Al-Khattab, (MABH) was killed, five companions were declared candidates to succeed him. These were: Ali Ibn Abi Talib, 'Uthman Ibn Affan, Abderrahman Ibn Awf, Zoubair Ibn Al Awwam, and Saad Ibn Abi Waqqas. After a few days' deliberations, 'Uthman Ibn Affan was chosen and the Umma swore allegiance to him[119].

After this period, historians began to talk of Ahlul Hall wal-'Aqd (some sort of privy council). The appointment of a caliph was conditional on their deliberation and decision. During the reign of Mu'awiyya, their role started gradually to dwindle until it became a mere formality, especially after Mu'awiyya appointed his son, Yazid, to succeed him. After that, Ahl al Hall wal-'Aqd became a term the meaning of which no one remembered. The Shi'ites, on the other hand, have their own opinion of the Caliphate and how a Caliph should be appointed.

Times went by and the form of the Islamic State kept changing with every era. A quick glance at our modern societies will tell us how constitutional systems are different from one country to another in specifying the way a ruler should ascend to power and other details of governance.

If democracy requires people to choose their own government, for a country to be democratic, power must be in the hands of an elected government. If power is in the hands of the president of the republic, he must be elected by the people. If the country is a monarchy, power must be vested in an elected government while the king remains a symbol. The king may even have power with respect to some issues provided he is aided by an advisory council composed of competent and representative members.

The concept of Shura is not confined to these aspects. In fact, it extends beyond that to confer legitimacy on monarchical systems where power is in the hands of the monarch who appoints the government. This is conditional, however, on the monarch's refraining from tyranny and seeking counsel and advice from his people with a view to secure the interests of society, and on his teaching the people the principles of Islam

As to the election of the president of a republic or a prime minister, it is a pattern very close to the Shura principle as it guarantees people's participation in the election of their rulers. The people with all its various components and through its candidates and elected representatives is consulted on important issues on which depends the general policy as well as the orientations of the nation.

*** The Life and Function of Government and the Confidence Put in it**

The present paper does not deal with the legitimacy of any state system. Legitimate systems are diverse: A system of rule may be monarchical or republican. The state may be simple in its composition as in many modern states, or complex like the Islamic Caliphate in the past or the great unions that we see in the present time.

All of these systems are, in principle, legitimate. Allah has not revealed any divine theory, which favors one form of government over the others, out of mercy for people and in tolerance for the differences between various societies. What we can deduce from the reign of the Prophet (PBUH) and his Companions, May Allah be pleased with them, is that they have reached an ideal system of organizing society and running its affairs(120).

Though undoubtedly less close to the idealism achieved by the Prophet and his Companions, our modern systems, cannot, in most cases, be considered illegitimate. In fact, the political borders separating Islamic countries have not been freely chosen by the peoples of these countries but have been imposed by colonialism which took advantage the weakness of the Islamic Umma. This situation has led all the leaders of Islamic countries to coordinate their efforts with a view to find a common ground to use as a starting point to restore the unity of the Islamic nation. This does not necessarily imply the assumption of leadership by one particular country over the others. European countries are seriously engaged in the process of union wherein leaders and kings shall hold equal positions. Why would not that be the case for Muslims?

The conditions for assuming the commands of a Muslim society as set in the Qur'an are the enhancement of justice ("God doth command you to render back your Trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice"(121), the implementation of Shura ("who (conduct) their affairs by mutual Consultation"(122), as well as refraining from tyranny and dictatorship on the part of rulers

These criteria can be met in monarchical, republican or presidential systems...etc. We have previously demonstrated that Allah gave us the example of just prophet kings such as Solomon and David, and kings but not prophets who saved their people by seeking advice like the Queen of Sabaa. Allah's Prophet, Muhammad (MABUH), also used to take counsel from his Companions.

*** How Much Should a Government Stay in Power?**

Every government has a life span that starts by its formation and ends by its demise. It is advisable to limit the mandate of a government (prime ministers and ministers) within a reasonable period of time. On the one hand, even if no negligence can be ascribed to the work of the government, a long mandate may affect public opinion and its aspirations for the future. This requires the formation of a new government.

Therefore, it is neither in the interests of the government nor that of the people to lengthen the duration of government mandate, even if the government wishing to extend its mandate has good reasons. In fact, if the group (or party) in power still claims to have the approval of the majority of people, this means that it lacks no qualified people. It can therefore suggest for election new faces having the same, if not better, qualities of the old government. At least, if the same prime minister was elected again to office after winning the required majority in elections, his constitution of a new government or his keeping of the same aides he had in the previous government, constitutes a proof that his government still enjoys the required vitality and liveliness that account for the people's keeping it in office.

*** System of Government**

The closest government systems to the Qur'anic ideal are those which apply the Shura in the execution of its work, in the passing of laws, in the judiciary, as well as in the administration....The fairness of a ruling system imposes on the ruler to protect the interests of all social categories.

When the Holy Qur'an orders Muslims to apply the Shura in running their affairs and not to take unilateral decisions, it actually does not teach them a totally new concept. In fact, Quraish was cognizant of this principle in the pre-Islamic period and so were the Greeks before them.

By and large, the last divine massage points to the best patterns and systems known to people. If Allah wanted to send angels to rule men according to new

concepts, he would do it. Allah the Almighty says: *"If God so willed, he would have made you a single People, but (His Plan is) to test you in what he hath given you: so strive as in a race in all virtues. The goal of you all is to God; it is He that will show you the truth of the matters in which ye dispute"*[(123)]. Hence the fate of humanity to be constantly under test before the law of the creator. Those who escape the questioning of their people, will they escape Allah's account?

Political Parties

Political parties is a phenomenon centered on the idea of securing the interests of a society in the light of the different orientations of the people. They also exemplify the desire of every social category to spread its ideals and gain the favor of the majority of the nation. For this reason, political parties constitute a healthy phenomenon in societies. They are a mirror that reflects the intellectual tendencies of people and their outlook on the future. They also illustrate various methods to handle the problems of society.

It is wrong to separate religion from politics. Religion is not simply an act of worship practiced by individuals. Indeed, the act of worshipping shapes the intellect in such an organized manner that the individual's vision of various aspects of life becomes enriched with highly ethical objectives that differ from those with a parochial outlook on religion or who consider worshipping secondary to the material advantages of life. It is known that when the intellect becomes organized within a particular framework, chances for it to crystallize into a clear and distinctive political orientation are very high.

The universalization of the principle of Shura presupposes the participation of people in the election of government so that every party would nominate a candidate in the polls whose result will determine the person in charge of forming the government.

Independent candidates (not belonging to political parties) can also be nominated. What is important, however, is for every candidate to present a clear platform that expresses, in actual transparency, his method of government and of handling social ills. At the same time, it will leave room for questioning the government in case it failed to fulfil its promises.

The existence of political parties in society is a healthy phenomenon provided the following reservations are taken into consideration.

*** First Reservation: Observance of the General Spirit of the Nation**

Individual freedom is guaranteed as long as it does not clash with the security of society and public order. Thus, the general spirit of the nation plays a key role when banning some political parties. A democratic state cannot be called nondemocratic on it refuses to give permission to some individuals to form a party whose main program consists in demolishing democracy. Similarly, the general spirit in Islamic countries does not allow for the institution of a party whose goal is to subvert Islam.

The general spirit of a country is not, however, immutable forever. It changes but at a small pace. The change comes as the result of the accumulation of many social, economic and political elements that affect the authorities and make them unable to achieve the general objectives set in the framework of the present system and constitution. Here, society has no choice but to change its general system because the general spirit in the nation has changed. A case in point is the announcement of 'Perestroika' in the former Soviet Union, which was like a tradesman announcing his bankruptcy before the court.

The general spirit of the nation constitutes the relevant parameter to assess the importance and the legitimacy of parties and the usefulness of people's demand for multipartism.

In theory, multipartism in society is better than the absence of parties. It reflects the diversity of candidates the government is chosen from. It also exemplifies the consultation with various social categories while taking into consideration the maintenance of balance between their orientations.

Many Islamic countries have adopted multipartism. They ban, however, the constitution of anti-religions parties whose aim is to fight religion and subvert the bonds that tie people to it. Along the same lines, multipartism is equally applied in many secular Western societies, while the establishment of a religious party especially if it is Islamic is forbidden.

The practical parameter of multipartism should consist of evaluating the general spirit of the nation and weighing the influence of parties on the inclinations of ordinary segments of society as well as on the conditions affecting the formation of those who will manage the affairs of society.

Generally speaking, an efficient government, no matter how it is formed, is the one that strives to entrench a peaceful coexistence between the different segments of society ,irrespective of their racial or religious backgrounds. Hence the presence of many figures belonging to different social categories in many governments in non-Islamic countries. Some Muslim figures may also be included. It is also common practice in Islamic countries throughout the course of history and up to the present day to include non-Muslims in the government.

* Second Reservation: Observance of the Unity of the Nation

The principle of multipartism should not induce the division of people into various political entities each with its own political vision of the future. Society will then fall prey to a gloomy situation where diverging, contradictory and

irreconcilable trends shall prevail. This situation is not tolerated in Islam or in any civilized system.

Multipartism, therefore, may not square with the conditions specific to some countries, especially those where conflicting ethnic and religious interests collide. In these societies, it is better to adopt the one-party system, which gives room for different opinions to express themselves within a unified political view. When the general spirit of people changes with education and when ethnic and religious conflicts start gradually to die away, these countries can then accept the objective parameters that encourage the plurality of parties and their coexistence, without jeopardizing the safety and the unity of society.

NOTES

(1) This is a particular definition if it is compared with the general defintions used in lexical dictionaries, and it is derived from them anyway. See the definition of "opinion" in Isane al-Arab and other sources.

(2) See Al-Muwafaqat by Ashshatibi, Vol. 4, p. 556.

(3) See Assira Annabawiyyah by Ibn Hicham, Beirut: al-maktabah al-ilmiyya, vol. 2, p. 566.

(4) Annahl 106.

(5) Hadith "Hassan" narrated by Ibn Majah and al-Bayhaqi and others. See Matn al-Arba'in an-Nawawiyyah by Imam Yahya ibn Sharaf Eddine an-Nawawi, English/Arabic, Beirut: Dar al-Qur'an al-Karim, 1976, p. 121. Some consider it a transmitted hadith. See Jami'a al-Ahkam al-Fiqhiyyah by al-Qurtubi, his own interpretation, compiled, classified and eidted by Farid ibn Abdelaziz al-Jundi, Beirut: Dar al-Kutub al-Ilmiyyah, 1994, vol. 3, p. 404.

(6) See "Assira Annabawiyyah" by Ibn Hicham, Beirut, vol. 2 pp. 417-418.

(7) See brief biographies of these in Rijal Hawla ar-Rassul by Khaled Muhammd Khaled, Beirut : Dar El Fikr, 1992. Arab and French).

(8) Ankabut 1-2.

(9) Established by Ibn Majah in his Sanan, Bab al-Qadr, Vol. 1 pp. 20-21 and in al-Ahadith al-Qudsiyyah, Beirut: 1983, Vol. 1, p.108.

(10) Al-Ahzab 72

(11) Al-Baqara 30

(12) Al-Baqara 31

(13) Al-Baqara 32 - 33

(14) Al-Ahqaf 29-32

(15) Arrahman 31-33

(16) A'raf 179

(17) Isra' 88

(18) Thariyat 56

(19) Isra' 44

(20) Al-Ahzab 72

(21) Al-Baqara 286

(22) Bringing Islamic Madhahib Closer Together. ISESCO - Rabat, 1997, p. 139.

(23) Isra' 44

(24) Al-A'raf 172-173

(25) Isra' 15

(26) Al-Mu'aminun 44

(27) See Montesquieu's and others' books on the history of law

(28) Al-Baqara 213

(29) Al-Baqara 6

(30) Annahl 125

(31) Al-Furqan 20

(32) Al-Baqara 62

(33) Al-Baqara 177

(34) Al-Baqara 143

(35) Established by Al-Bukhari, "Bab al-Iman". See Fath al-Bari: Sharh Sahih al-Bukhari by Ibn Hajr al-Asqalani, Beirut: Dar El-Kutub Al-'Ilmiyya, 1989, Vol. 1, p. 78, nb. 13

(36) Al-Baqara 62

(37) "Asbab Annuzul" (Causes of Revelation), by An-Nissabury, in the annotation of At-Tabary's Quranic interpretation, Beirut, 1992, p. 17. "Lubab An-Nuqul", in the annotation of Al-Jalalein's Quranic interpretation. Beirut, 1983.

(38) Al-Baqara 286

(39) Nisa'a 163-165

(40) Mu'minun 44

(41) Al-'Imran 77

(42) Al-Baqara 165

(43) Nisa'a 135

(44) Tauba 107

(45) Annahl 106

(46) "Jami' Al Ahkam Al Fiqhiya" from Qortoby's Quranic interpretation, op. cit. Vol. 3, p. 404.

(47) Kahf 57

(48) Mulk 8-9

(49) Nisa'a 165

(50) Sabaa 28

(51) Nahl 125

(52) Tauba 7

(53) See Muhammad Hamid Allah, Majmu'at al-Watha'iq Assiyyassiyya Lil'ahd Annabawi wa al-Khilafa Arrashida, Beirut: Dar Annfa'is, 1987.

(54) See Islamic history books as well as Kitab Ashshra' addawli fi al-Islam , Najib al-Armanazi London: Riad Erriss, 1990.

(55) Assirah An-Nabawiya, Ibn Hisham, op. cit. Vol. 1, p. 321.

(56) Al-Baqara 143

(57) See Muhammad Hamid Allah Majmu'at al-Watha'iq Assiyyasiyyah Marji' Sabiq, pp. 144-165

(58) See the question of the conflict for the Caliphate among Islamic sects for in Islamic history books.

(59) Yunus 99

(60) Kafirun 6

(61) Yunus 108.

(62) Supra, p. 48, Preaching Islam in the Past.

(63) Al-Baqara 6.

(64) Annahl 125).

(65) See the case of the transmmission of the message in the long commentaries.

(66) See Attabassur fi Eddine by Al-Isfihani Beirut: Dar al-Kutub al-'Ilmiyya, p. 90.

(67) Hud 116.

(68) The exgesis of Muslim and Ibn Majah from 'Umar (ABBUH); see Al Bayane Watta'arif fi Asbab Wurud al-Hadith Ashsharif , by Ibn Hamza al-Husseini Addimashqi, Cairo: Maktabat Misr, 1985, Vol. 1 p. 255

(69) Al-Baqara 256

(70) Kahf 29

(71) Kafirun 6

(72) See Minhaj al-Muslim by Abu Bakr al-Jaza'iri, Casablanca: Dar al-Maa'rifa, 1993, p. 15.

(73) Assirah An-Nabawiya, Ibn Hisham, op. cit. Vol. 1, p. 321.

(74) Ibrahim 4

(75) "Fard Kifaiya" or Public Duty, in this sense is a duty performed vicariously by an individual or a group of persons, which becomes, therefore, not binding for others.

(76) Al-Baqara 143

(77) Al-Baqara 256

(78) Yunus 99

(79) See the books of Islamic history in the Orient and the West; for example, The History of the Islamic Peoples by Karl Brocklmann, trans. to Arabic by Nabil Faris and Munir El Ba'alabki, Beirut: Dar El 'Ilm Lilmalayin, 1988; p. 95 and afterwards.

(80) Al Jizayah was a tax levied on male adult and sane non-muslims, in return for which the state protects their property; this is conceived because these people do not give alms and are not enlisted in the army. See Abdelkerim Zaydan, Ahkam Addimmiyin wal-Mustaa'manin fi dar l'Islam, Baghdad: Dar Al-Quds and Maktabat Arrisalah, 1982, p. 138. Abbas Al-Jirari, Mafhum atta'ayush fil Islam, ISESCO, 1996, p.32

(81) Abbas Al-Jirari, Ibid., pp. 34-35.

(82) See Mawsu'at Fiqh 'Umar by Muhammad Ruwwas Qal'at Gi. Beirut: Dar Annqqash, 1989, p. 530 and Kitab al-Kharaj by Abu Youssef . Egypt: Salafiyya Editon, 1347 (of the Hijir Calendar), p. 70 and Abbas Al-Jirari, Mafhum Atta'ayush fil Islam, p.30.

(83) Abbas Al-Jirari Ibid. pp. 34-35.

(84) Tauba 29.

(85) Abdelkrim Zaydan, Ahkam Addimmiyyin fi wa l-Musta'amanin fi Dar el-Islam p.147.

(86) Ibid. 146-147.

(87) Kitab al-Kharaaj, by Abi Yussuf, p. 74. Abbas al-Jirari, Mafhum Atta'ayush fil Islam p. 30.

(88) Al-Baqara 217.

(89) Fath Al Bari, Sharh Sahih Al Boukhari, op. cit. Vol. 12, p. 331, n° 6922.

(90) Tauba 107.

(91) See books of Islamic history and Karl Brocklmann, The History of Islamic Peoples p. 83 and after.

(92) Bidayat al-Mujtahid wa Nihayat al-Muqtasid by Averroes; Beirut: Dar El Fikr; p. 343 and after.

(93) Some fuqaha hold that the apostate should, in this case, be asked to repent a hundred times. See the sayings of Al-Hassan in Al-Qurtubi Jamia' Al-Ahkam Al-Fiqhiyya, Vol. 3, p. 3.

(94) In many modern judicial systems the age of maturity is 21 years; we don't see in this any dispairty with the basic rules of Islamic sharia'.

(95) Al-Baqara 217

(96) See the chapters on positive law in books of jurisprudence. Among the simplest modern books, see Usul Tashria' al-Islami by Ali Hasab Allah, p. 373 and after.).

(97) See Muhammad Salam Madkur, Manahij al-Ijtihad fil Islam, Jami'at Al Kuweit, 1974, p. 366. See also the opinions of Assiyyuti on the difference between the practitioners of discretion: the independent, the absolute, and the restricted. In his book Arrad 'ala man Akhlada al-Ard wa jahala anna al-Ijtihad fi kulli Asrin Fard, edited by Cheikh Khalil el-Meis, Beirut: Dar El Kutub al-Ilmiyya, 1983, p. 112-116.

(98) Fath al-Bari: Sharh Sahih al-Bukhari Vol. 13 p. 393. nb. 7352.

(99) See my book, Ihyaa al-Ijtihad fi at-Thaqafa al-Islamiyya, Cairo: Dar Ennahda, 1993; p. 115 and after.

(100) Ibid p. 405 and after.

(101) Scholars of jurisprudence agreed that the reference to the Three Primary Sources be gradual in the following manner : the Qur'an, then the Prophetic Tradition, and then the consensus of scholars; afterwards, reference is made to analogy (Qiyyas) to refer back to the sources according to the stated order of priority. See books dealing with the origins of jurisprudence, especially the modern and simple ones such as 'Usul al-Fiqh by Abdelwahab Khallaf and 'Usul at-Tashri'a al-Islami by Ali Hasaballh.

(102) Shura 38.

(103) See the comments of Mohammed Abed Al-Jabri on democracy in his book, Democracy and Human Rights, Markaz Dirasat al-Wahda al-'Arabiyya, 1994, pp. 14-19.

(104) 'Al-'Imran 159.

(105) Al-Bayan wa Ta'arif fi Asbab Wurud al-Hadith ashsharif , vol. 3, p. 127, nb. 1490.

(106) See books about the biography of the Prophet and The Prophet's Biography by Ibn Hisham, on the Prophet's death.

(107) Ankabut 1-2

(108) Sabaa 28

(109) Al-Anbiyya' 78

(110) Annaml 24

(111) See Arrahiq al-Makhtum by Safi Arrahmane al-Mabarkafuri, Casablanca, D.T. p. 280 and after.

(112) Annaml 30

(113) Shura 38

(114) Hud 52

(115) The first version was established by al-Bukhari reporting after Uns (May Allah Bless him), and Muslim reporting after Abi Thurr Al-Ghffari (MAB). See Al-Bayan watta'rif fi Asbab wurud al-Hadith Ashsharif Vol. 1, p. 135, nb. 236.

(116) Shura 38

(117) Al-Hijr, 9

(118) See Assira Annabawiyya by Ibn Hisham, Vol. 4, p. 656 and after

(119) See books of Islamic History as well as the biographies of the Wise Caliphates

(120) For more information, see Rijalun hawla Arrasul by Khalid Muhammad Khalid, Beirut: Dar al-Fikr, 1992. Arabic and French.

(121) Nisaa, 58

(122) Shura 38

(123) Ma'ida 43.

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